

ROCHESTER CITY COUNCIL

REGULAR MEETING

JUNE 16, 2009

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

Jorge Rosado
Richard Saltrelli
William M. Sauers
John E. Thomas

FIN

Jadwiga-Maria Dickinson
*Angela J. Zink

NSC

*Renee G. Hale

RFD

*John W. LeBeau

RPD

*Kenneth J. Coniglio, Sr.

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of May 12, 2009 and the Special Meeting of May 28, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

June 16, 2009

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Amendments To Lease Agreement With Rochwil Associates For Space In The Sibley Building
3966-09

Public Disclosure - HOME Participation (2) 3967-09, 3968-09

Public Disclosure - CDBG Participation 3969-09

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND
REMONSTRANCES.

1,139 signed petitions regarding keeping the CSD class sizes small. Petition No. 1639

43 signed petitions regarding traffic flow on Dayton Street. Petition No. 1640

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Changing The Traffic Flow Of Dayton Street From Two-Way To One-Way Westbound Int. No. 219
Two speakers: Lamar Floyd, Rev. Henry Turner.

Authorizing Amendatory 1996-97, 2000-01, 2005-06 And 2006-07 Community Development Program
Plans And Authorizing Agreements For The ED Financial Assistance Loan & Grant Programs
Int. No. 224 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 16, 2009

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 197 - Cancellation Of Taxes And Charges

Int. No. 198 - Establishing Maximum Compensation For Professional Services Agreements For
Appraisal Services

Int. No. 199 - Local Law Amending The City Charter With Respect To Parking

Int. No. 200 - Amending The Municipal Code With Respect To Parking

Int. No. 201 - Local Law Amending The City Charter With Respect To The Use Of Certified Or
Registered Mail

June 16, 2009

Int. No. 202 - Amending The Municipal Code With Respect To The Use Of Certified Or Registered Mail

Int. No. 203 - Amending Chapter 23 Of The Municipal Code, Waterworks

Int. No. 204 - Amending Chapter 90 Of The Municipal Code Relating To Graffiti Removal

Int. No. 205 - Amending The Municipal Code With Respect To The Department Of Neighborhood And Business Development, As Amended

Int. No. 206 - Resolution Approving Appointment To The Greater Rochester Sports Authority

Int. No. 207 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

Int. No. 208 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Sound And Lighting Services

Int. No. 209 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Int. No. 210 - Establishing Maximum Compensation For An Agreement For Cruises And Concerts

Int. No. 234A - Amending The Proposed 2009-10 Budget Of The City Of Rochester In Regard To Youth Development -- \$20,000

Int. No. 234B - Amending The Proposed 2009-10 Budget Of The City Of Rochester In Regard To Citizen Support -- \$10,500

Int. No. 234C - Amending The Proposed 2009-10 Budget Of The City Of Rochester In Regard To Cultural Development -- \$10,500

Int. No. 234D - Amending The Proposed 2009-10 Budget Of The City Of Rochester In Regard To Community Beautification -- \$9,000

Int. No. 234E - Resolution Of Budgetary Intent -- Health Benefits

Int. No. 234 - Adoption Of The Budget Estimates For Municipal Purposes For The 2009-10 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

Int. No. 236 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010

Int. No. 239 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2009 And Expiring June 30, 2010

Int. No. 240 - Amending The Municipal Code With Respect To Fees For Civil Service Examinations, As Amended

Int. No. 242 - Resolution Approving The 2009-10 Debt Limit For General Municipal Purposes

The Finance Committee recommends for Consideration the following entitled legislation:

Int. No. 235 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010, And Appropriation Of Sums Set Forth Therein

June 16, 2009

Int. No. 237 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2009
And Expiring June 30, 2010

Int. No. 238 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual
Tax Rolls For The Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010

Respectfully submitted,

Carolee A. Conklin *(Abstained on Int. No. 210, voted against Int. No. 235 & Int. No. 237)*

Carla M. Palumbo *(Abstained on Int. No. 234C)*

Lovely A. Warren

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-173

Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$35,979.30.

The legislation cancels 2008-09 taxes for the three parcels comprising the Rochester Rhinos Stadium property. In January, 2008, the City terminated the lease held by the Rochester Rhinos and assumed responsibility for the stadium. The properties are held by the City for public use and are exempt from taxation pursuant to Section 406 of New York State Real Property Tax Law. Although the lease was terminated prior to the taxable status date of February 1, 2008, notice was not sent to the Assessor and the stadium parcels remained taxable through the lease agreement with the Rhinos. The 2009-10 taxes have been cancelled by the Board of Assessment Review and the Assessor has changed the taxable status of the properties in light of the City ownership.

If this cancellation is approved, total cancellations thus far for 2008-09 will be \$2,270,806.12.

	<u>Accounts</u>	<u>Amounts</u>
City Council	227	\$2,220,587.48
Administrative	138	50,218.64
Total	365	\$2,270,806.12

These cancellations represent .964% of the taxes receivable as of July 1, 2008.

Respectfully submitted,

Robert J. Duffy

Mayor

Attachment No. AI-67

Ordinance No. 2009-173

(Int. No. 197)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

June 16, 2009

(A) These properties are owned by the City of Rochester.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
105.760-1-50.001	NH	480 Smith St	2009	\$ 5,076.12
105.750-2-6.002	NH	900 W. Broad St	2009	21,474.46
105.760-1-57.001	NH	524 Oak St	2009	<u>9,428.72</u>
Grand Total				\$35,979.30

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-174
Re: Agreements for Appraisal Services

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with the following firms for appraisal services as needed by departments:

Department of Neighborhood and Business Development

Firm: Bruckner, Tillett, Rossi, Cahill & Associates

Maximum Compensation: \$17,500

Source of funds: 2009-10 Budget of the Department of Neighborhood and Business Development

Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, etc.

Firm: Pogel, Schubmehl & Ferrara, LLC

Maximum Compensation \$7,500

Source of funds: 2009-10 Budget of the Department of Neighborhood and Business Development

Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, etc.

Firm: Midland Appraisal Associates, Inc.

Maximum Compensation \$7,500

Source of funds: 2009-10 Budget of the Department of Neighborhood and Business Development

Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, etc.

Law Department

Firms: Midland Appraisal Associates, Inc.; Bruckner, Tillett, Rossi, Cahill & Associates; Pogel, Schubmehl & Ferrara, LLC

Maximum Aggregate Compensation: \$20,000

Source of funds: 2009-10 Budget of the Law Department

June 16, 2009

Purpose: Appraisal services for assessment proceedings; firms to be assigned based on work load and specific needs.

Department of Environmental Services

Firms: Midland Appraisal Associates, Inc.; Bruckner, Tillett, Rossi, Cahill & Associates; or Pogel, Schubmehl & Ferrara, LLC

Maximum Aggregate Compensation: \$20,000

Source of funds: 2009-10 Budget of the Department of Environmental Services

Purpose: Commercial, industrial and residential property appraisals for acquisitions, sales, easements, takings, etc.

Respectfully submitted,

Robert J. Duffy

Mayor

Ordinance No. 2009-174

(Int. No. 198)

Establishing Maximum Compensation For Professional Services
Agreements For Appraisal Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$17,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Department of Neighborhood and Business Development. Said amount shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

Section 2. The sum of \$7,500 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC and Midland Appraisal Associates, Inc. for appraisal services as needed by the Department of Neighborhood and Business Development. Said amounts shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

Section 3. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC; Midland Appraisal Associates, Inc. or Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Law Department for assessment proceedings. Said amount shall be funded from the 2009-10 Budget of the Law Department.

Section 4. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC; Midland Appraisal Associates, Inc. or Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Department of Environmental Services. Said amount shall be funded from the 2009-10 Budget of the Department of Environmental Services.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Law No. 5, Ordinance No. 2009-175,

June 16, 2009

Local Law No. 6, Ordinance No. 2009-176,
Ordinance No. 2009-177, Ordinance No. 2009-178 and
Ordinance No. 2009-179

Re: Amendments to the City Charter
And Code - Parking Operations and
Technical Changes

Transmitted herewith for your approval is legislation amending the City Charter and Code to accommodate the consolidation of parking operations, and to include various technical changes. This legislation will:

1. Amend the City Charter and the Municipal Code to provide for the proposed move of parking operations to the Finance Department, to establish the position of Parking Director to oversee the parking operations, and to update certain parking provisions of the Code which are outdated because of current operating practices and changes in procedures;
2. Amend various provisions of the City Charter and the Municipal Code to provide for official City notices to be sent out by first class mail with delivery confirmation instead of certified or registered mail. Delivery confirmation mail will provide the City with the time that the letter was picked up by the post office and the time that it was delivered to the address. In many cases, this proof of delivery will be a significant improvement over the certified or registered mail system, which often results in the failure of the addressee to pick up the mail from the post office if the addressee is not home at the time delivery is attempted;
3. Amend the Municipal Code the correct references in two sections of the Waterworks Code;
4. Amend the Graffiti Code to allow the City to remove graffiti on the first floor of any premises once a year, with the owner's consent. Presently, removal of graffiti by the City is limited to residential premises; and
5. Amend various sections of the Municipal Code to reflect the new titles and responsibilities in the Department of Neighborhood and Business Development. The Charter changes were approved by Local Law No. 4 of 2009 and this legislation will make the corresponding changes to the Code.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 5
(Int. No. 199)

Local Law Amending The City Charter With Respect To Parking

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 6-1, Department of Finance, by adding the words "a Bureau of Parking," after the words "a Bureau of Assessment," where they are contained in the second paragraph thereof. Section 6-1 is hereby further amended by adding the following new sentences to the end of the first paragraph thereof:

The Department shall also be responsible for the management of the parking functions of the City.

Section 2. Section 6-2 of the City Charter, Director of Finance, as amended, is hereby further amended by amending the second paragraph thereof to read in its entirety as follows:

June 16, 2009

The Director of Finance, through the Director of Parking and the Director of Parking Violations and Adjudication, shall have the supervision and control of the Parking/Municipal Code Violations Bureau. The Director of Finance shall appoint the Director of Parking Violations and Adjudication and, subject to the restrictions of Article 2-B of the Vehicle and Traffic Law relating to the Parking Violations Bureau, such number of deputy officers and hearing examiners as he or she deems necessary.

Section 3. Section 6-6 of the City Charter, Parking Violations Bureau, as amended, is hereby further amended to read in its entirety as follows:

§ 6-6. Bureau of Parking.

- A. There shall be a Bureau of Parking, the head of which shall be the Director of Parking. The Director of Parking shall be responsible for the administration and supervision of on-street parking and municipal parking facilities; the installation, maintenance and collection of revenue from parking meters; the supervision of parking monitors; and the adjudication of parking infractions and municipal code violations.
- B. There is established in the Department of Finance an operating unit known as the Parking/Municipal Code Violations Bureau, which shall be continued within the Bureau of Parking. The head of the unit shall be the Director of Parking Violations and Adjudication, who shall direct the assigned staff and supervise the adjudication programs.
- C. The Parking Violations Bureau is authorized to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations. The unit shall have all of the functions, powers and duties granted in Article 2-B of the Vehicle and Traffic Law and shall operate in compliance with that Article.
- D. The Parking Violations Bureau is authorized to hear and determine complaints of violations of Article 7 of the Agriculture and Markets Law or of any local law or ordinance relating to the licensing, identification and control of dogs, pursuant to and in accordance with Section 236(3) of the Vehicle and Traffic Law.
- E. The Municipal Code Violations Bureau shall hear and determine complaints of Municipal Code violations as authorized by the Rochester City Court, pursuant to and in accordance with Chapter 417 of the Laws of 1969, as amended by Chapter 802 of the Laws of 1982.

Section 4. Section 2-18 of the City Charter, Code of Ethics, as amended, is hereby further amended by deleting the titles "Director of Parking Violations" and "Municipal Parking Coordinator" from the chart contained in subsection G(1) therein and by inserting in said chart after the title "Deputy City Assessor" the titles "Parking Director" and "Director of Parking Violations and Adjudication".

Section 5. Section 8A-3 of the City Charter, Issuance of appearance tickets, as amended, is hereby further amended by deleting the words "Rochester Police Department" where they are contained in Subsection A thereof and by inserting in their place the words "Department of Finance".

Section 6. This local law shall take effect on July 1, 2009.

Passed unanimously.

Ordinance No. 2009-175
(Int. No. 200)

Amending The Municipal Code With Respect To Parking

BE IT ORDAINED, by the Council of the City of Rochester as follows:

June 16, 2009

Section 1. The Municipal Code, as amended, is hereby further amended by deleting the words “Municipal Parking Coordinator” in all places where they appear therein and by inserting in their place the words “Parking Director”.

Section 2. Section 111-103 of the Municipal Code, Definitions, as amended, is hereby further amended by changing the definition of “PARKING STICKER” to “PARKING TAG” and by deleting the word “sticker” in said definition and by inserting in its place the word “tag”.

Section 3. Section 111-107 of the Municipal Code, Fees for use of individual parking spaces, as amended, is hereby further amended by deleting the words “weekly and monthly” where they appear in the first sentence of Subsection C thereof, and by deleting the word “sticker” or “stickers” in each place that they appear therein and by inserting in their place the word “tag” or “tags”.

Section 4. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended herein, is hereby further amended as follows:

- (a) Subsection A(3) is hereby repealed.
- (b) The introductory to Subsection A(4) is hereby amended to read in its entirety as follows:
 - (4) Maximum daily charge. The maximum amount chargeable per entry to a garage for parking during any weekday parking shall be as follows:
- (c) Subsections A(4)(c) and A(6)(d) are hereby repealed.
- (d) The final sentence of Subsection A(6)(h) is hereby amended to read in its entirety as follows:

The Parking Director is authorized to establish rules and regulations to provide for monthly parking by authorized City employees in the High Falls and South Avenue Garages in accordance with collective bargaining agreements approved by the City.

- (e) Subsection A(9) is hereby repealed.
- (f) Subsection C is hereby amended to read in its entirety as follows:
 - C. Parking validation program. The Parking Director, subject to approval by the Mayor, may establish a parking validation program with area businesses whereby the parking patrons of those businesses may obtain a parking validation ticket for parking which is then billed to the business by the garage operator after the parking patron enters the validation ticket into the revenue control equipment or pays the cashier according to the regular garage rate for the time the parking space was used by the parking patron.
- (g) Subsection E is hereby amended by deleting the words “weekly and” where they appear therein.

Section 5. The body of Section 111-120 of the Municipal Code, Lot tickets, is hereby amended to read in its entirety as follows:

If the operator of a vehicle parked in a City garage loses his or her time-stamped ticket, the vehicle operator will be charged the maximum rate allowable within the above schedule.

Section 6. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

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Local Law No. 6
(Int. No. 201)

Local Law Amending The City Charter With Respect To The Use Of
Certified Or Registered Mail

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester”, as amended, is hereby further amended by amending the following sections by deleting the words “certified mail, return receipt requested,” or the words “registered or certified mail” or the words “certified mail” in each place they appear therein and by inserting in their place the words “first class mail with delivery confirmation”:

- § 3-15. Abatement of nuisances.
- § 6-74.1. Income and expense information.
- § 6-92. Departmental charges.
- § 7-10. Cleaning of sidewalks.
- §10-9. Enforcement of Code violations. (As amended by Local Law No. 4 of 2009).

Section 2. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-176
(Int. No. 202)

Amending The Municipal Code With Respect To The Use Of
Certified Or Registered Mail

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words “certified mail, return receipt requested,” or the words “certified mail return receipt requested,” or the words “registered or certified mail, return receipt requested,” or the words “certified mail” in each place they appear therein and by inserting in their place the words “first class mail with delivery confirmation”:

Section 40-11. Charges and hearings: suspension, revocation or cancellation of registration and/or license.

Section 47A-6. Permit procedures.

Section 47A-16. Orders to demolish.

Section 50-16. Charges and hearings, suspension, revocation or cancellation of licenses and/or registrations.

Section 90-15. Junked, abandoned or unlicensed vehicles.

Section 97-25. Service of notices and orders.

Section 2. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words “registered mail” or the words “registered mail, return receipt requested,” in each place they appear therein and by inserting in their place the words “first class mail with delivery confirmation”:

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Section 47A-16. Orders to demolish.

Section 76-6. Application for Official Map amendment and Official Map variance.

Section 87-8. Rules and regulations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-177
(Int. No. 203)

Amending Chapter 23 Of The Municipal Code, Waterworks

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-29 of the Municipal Code, Fire hydrants, as amended, is hereby further amended by amending the first two full sentences of subsection B thereof to read in their entirety as follows:

A monthly fee shall be charged for each hydrant permit pursuant to § 23-37E(1) and (2), and a refundable deposit shall be required pursuant to § 23-37E(3) for each nozzle, wrench, meter and reduced pressure zone backflow prevention device taken. In addition, the applicant shall pay either the minimum hydrant water consumption charge pursuant to § 23-37E(2) or a metered water consumption charge at the regular metered consumption rates set forth in § 23-37A(1), at the discretion of the Director.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-178
(Int. No. 204)

Amending Chapter 90 Of The Municipal Code Relating To Graffiti
Removal

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 90-19 of the Municipal Code, Graffiti, is hereby amended by deleting the word “residential” where it appears in subsection D(2)(b) thereof.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-179
(Int. No. 205, As Amended)

Amending The Municipal Code With Respect To The Department Of
Neighborhood And Business Development

June 16, 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 13A-11 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by repealing C thereof.

Section 2. The Municipal Code, as amended, is hereby further amended by deleting the words "Department of Community Development" in all places where they appear therein and by inserting in their place the words "Department of Neighborhood and Business Development". The Municipal Code, as amended, is hereby further amended by deleting the words "Commissioner of Community Development" in all places where they appear therein and by inserting in their place the words "Commissioner of Neighborhood and Business Development".

Section 3. The Municipal Code, as amended, is hereby further amended by deleting the words "Bureau of Zoning" in all places where they appear therein and by inserting in their place the words "Bureau of Planning and Zoning". The Municipal Code, as amended, is hereby further amended by deleting the words "Director of Zoning" in all places where they appear therein and by inserting in their place the words "Director of Planning and Zoning".

Section 4. Section 39-222 of the Municipal Code, Fees for certificates of occupancy, as amended, is hereby further amended by repealing the second sentence of Subsection B thereof, and by amending Subsections E and G thereof to read in their entirety as follows:

- E. The fee to renew a certificate of occupancy when required by §90-16A of the Municipal Code shall be the same as set forth in Subsection C, except that the renewal fee shall not exceed \$100.
- G. The fee for a certificate of occupancy when required for transfer of title as per §90-16A(2)(a) of the Municipal Code shall be the same as in Subsection C.

Section 5. Section 39-412 of the Municipal Code, Inspection, is hereby amended by deleting the word "Director" in each place where it appears therein and by inserting in its place the word "Commissioner".

Section 6. Section 40-5 of the Municipal Code, as amended herein, is hereby further amended by deleting the words "Chief Licensed Plumbing Inspector and other" where they appear therein.

Section 7. Section 49-2 of the Municipal Code, Definitions, as amended herein, is hereby further amended by repealing the definition of "Chief Inspector".

Section 8. Section 52-2 of the Municipal Code, as amended, is hereby further amended to read in its entirety as follows:

Section 52-2. Enforcement.

- A. Notwithstanding the powers of other City officials to enforce Code provisions, the Commissioner of Neighborhood and Business Development shall enforce the Refuse and Sanitation Codes, Streets Code, Property Conservation Code, Building Code, Plumbing Code, Electrical Code, Fire Prevention Code, Zoning Code, Health Ordinance and Anti-Litter Ordinance of the City of Rochester and any other state or local law, ordinance, rule or regulation enforced by the Department.
- B. The Commissioner of Neighborhood and Business Development, in enforcing the provisions of the Refuse and Sanitation Codes, Streets Code, Property Conservation Code, Building Code, Plumbing Code, Electrical Code, Fire Prevention Code, Zoning Code, Health Ordinance and Anti-Litter Ordinance of the City of Rochester and any other state or local law, ordinance, rule or regulation enforced by the Department, shall have the power to enter, examine and inspect, or cause to be examined and inspected, and to investigate or

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cause to be investigated, vacant lots, yards, courts and buildings in the City to determine which are in violation of any state or local law, ordinance, rule or regulation and/or threaten the safety, health, comfort and general welfare of the inhabitants of the City, and to seek warrants where such are constitutionally required.

- C. The Commissioner of Neighborhood and Business Development may enforce violations in City Court or by bringing an action or special proceeding for injunctive relief in Supreme Court, and violations may be referred to the Municipal Code Violations Bureau as authorized in the Municipal Code.

Section 9. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words “Director or” or “Director or the” or “Director or his or her designee or the” or “NSC Director or his or her designee or the” in each place they appear therein before the word “Commissioner”:

Section 52-4. Nuisances.

Section 52-5. Procedure for enforcement.

Section 10. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words “NSC or” in each place they appear therein before the word “Department”:

Section 52-5. Procedure for enforcement.

Section 52-6. Notices and orders.

Section 11. Section 52-9 of the Municipal Code, Definitions, as amended herein, is hereby further amended by repealing the definitions of “Director” and “NSC”.

Section 12. Section 68-1 of the Municipal Code, Licenses and permits, as amended, is hereby further amended by amending the reference for the “Plumbing Code” from “Chapter 83” to “Chapter 40”.

Section 13. Section 90-3 of the Municipal Code, Definitions, as amended herein, is hereby further amended by repealing the definitions of “Director” and “NSC”.

Section 14. Section 90-16 of the Municipal Code, Certificates of occupancy, as amended, is hereby further amended by amending Subsection A(2)(e) to read in its entirety as follows:

- (e) A change of occupancy whereby a one-family dwelling is no longer occupied by the owner, or a spouse, child, sibling or parent of the owner. For one-family dwellings that are not occupied by an owner or a family member as required herein on January 1, 1998, a certificate of occupancy or a conditional certificate of occupancy shall be obtained immediately, but in no event later than 40 days after notice is sent by the City by regular first-class mail to the owner, at the owner's address on file with the City.

Section 15. Section 90-16 of the Municipal Code, Certificates of occupancy, as amended, is hereby further amended by amending the first three sentences of Subsection B(4) to read in their entirety as follows:

The owner of a one-family dwelling who does not occupy the dwelling and whose dwelling is not occupied by a family member as required in Subsection A(2)(e) above may apply to the Commissioner for a waiver of the requirement for a certificate of occupancy. Such waiver shall extend for a period of one year. The application for a waiver must include written documentation that the owner has attempted to market the property without success. An owner of two or more one-family dwellings that are not occupied by an owner or a family member as required in Subsection A(2)(e) above shall not be eligible for such a waiver.

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Section 16. There is hereby added to the Municipal Code a new Section 90-21 to read in its entirety as follows:

§90-21 Fees for inspections.

- A. Purpose. The City of Rochester is required to conduct various types of property inspections. Often these inspections result in the issuance of a Notice and Order. While the majority of these Notice and Orders are complied with within a reasonable time, some can go on without compliance for several years. In order to properly manage these cases, the City employs an increased number of inspectors. In an effort to obtain some reimbursement for the cost of said inspections and to reduce the number of said cases, the inspection fees in this section will be applied as set forth herein.
- B. A \$100 inspection fee shall be assessed annually for any Notice and Order case where compliance has not been achieved within one year of the initial notice and order date.
- C. The fees in this section are in addition to and apart from any fines which may be issued for outstanding code violations.
- D. All fees not satisfied within sixty (60) days of the due date shall be a lien against the property and shall, if unpaid on May 1, be added to the property taxes pursuant to § 6-94 of the City Charter.

Section 17. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words "Director or" in each place they appear therein before the word "Commissioner" or the word "Commissioner's":

Section 90-4. Interpretations, procedural rules, regulations and forms.

Section 90-15. Junked, abandoned or unlicensed vehicles.

Section 90-16. Certificates of occupancy.

Section 90-17. Vacant properties.

Section 90-18. Responsibilities of owners.

Section 18. The following sections of the Municipal Code, as amended, are hereby further amended by deleting the words "Director of NSC" or "NSC Director", or "Director" when referring to the Director of NSC, in each place they appear therein and by inserting in their place the word "Commissioner":

Section 90-33. Business permit required.

Section 90-34. Application.

Section 90-35. Inspections.

Section 90-37. Operation of businesses.

Section 90-39. Expiration of business permit.

Section 90-41. Denial of business permit.

Section 90-42. Revocation of business permit.

Section 90-70. Penalties for offenses.

June 16, 2009

Section 19. The following sections of the Municipal Code, as amended herein, are hereby further amended by deleting the reference "NSC" in each place it appears therein and by inserting in its place the words "the Department":

Section 90-34. Application.

Section 90-35. Inspections.

Section 20. Section 90-40 of the Municipal Code, Transfer of business permit, as amended, is hereby further amended by deleting the reference "NSC" where it appears therein and by inserting in its place the word "Department".

Section 21. Section 120-208 of the Municipal Code, Definitions, as amended herein, is hereby further amended by amending the definition of DIRECTOR OF ZONING to read in its entirety as follows:

DIRECTOR OF PLANNING AND ZONING - The Director of Planning and Zoning of the City of Rochester, or his or her designee.

Section 22. Section 111-83 of the Municipal Code, Traffic Control Board, as amended herein, is hereby further amended by deleting the words "Commissioner of Economic Development" where they are contained therein and by inserting in their place the words "Director of Finance".

Section 23. This ordinance shall take effect on July 1, 2009.

Underlined material added.

Passed by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Miller -1.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2009-8

Re: Appointment - Greater Rochester
Sports Authority

Transmitted herewith for your approval is legislation confirming the appointment of Robert Bartosiewicz, CEO of CGI Communications, to the Greater Rochester Sports Authority. Mr. Bartosiewicz will fill the vacancy created by the recent resignation of Thomas R. Frey.

The GRSA, established by New York State Law, consists of three members, one of whom is appointed by the Mayor and subsequently confirmed by the Council; the other two members are appointed by the County Executive with confirmation by the County Legislature. Members serve until they are replaced or resign.

The GRSA, a not-for-profit public benefit corporation, manages Frontier Field, which is owned by Monroe County. The Authority oversees the operations of the stadium through an agreement with Beau Productions for day-to-day management.

Mr. Bartosiewicz' resume is on file for your review in the City Clerk's Office.

Respectfully submitted,
Robert J. Duffy

June 16, 2009

Mayor

Resolution No. 2009-8
(Int. No. 206)

Resolution Approving Appointment To The Greater Rochester
Sports Authority

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Robert Bartosiewicz, Chief Executive Officer of CGI Communications, to the Greater Rochester Sports Authority. Mr. Bartosiewicz shall replace Thomas R. Frey, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-180
Re: Agreement - SMG, Festival Site Management

Transmitted herewith for your approval is legislation establishing \$16,000 as maximum compensation for an agreement with SMG/Blue Cross Arena, (Jeff Calkins, Manager) for management and promotion of the Riverside Festival Site. The cost of this agreement will be funded from the 2009-10 Budget of the Bureau of Communications.

A similar agreement was authorized by Ord. No. 2008-241 in June 2008.

Management of the site includes the provision of a "green room" for use by talent, and oversight of the parking lot at the corner of Court Street and Exchange Boulevard during the summer season. The City-produced Party in the Park Thursday evening concert series will take place in this lot, as well as the City-sponsored Main Game and other events.

Oversight of the parking lot will include securing alternative parking space for displaced parkers, ensuring the lot is clearly marked and monitored during events, and providing routine maintenance prior to and immediately following events.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-180
(Int. No. 207)

Establishing Maximum Compensation For A Professional Services
Agreement For The Riverside Festival Site Management

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$16,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and SMG for the management of the Riverside Festival Site. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

June 16, 2009

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2009-181
Amendatory Agreement -
Northeastern Production
Systems, Inc., Summer
Concert Production

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Northeastern Production Systems, Inc., Henrietta (Raymond DiBiase, Jr., President), for additional production services related to the 2009 summer concert series. This amendment will increase maximum compensation by \$20,000 for a total of \$88,100. The additional cost will be funded from the 2009-10 Budget of the Bureau of Communications.

The original legislation, authorized in June 2007, established annual maximum compensation for a three-year agreement. However, since then, the concert venues changed, necessitating additional costs due to the lack of appropriate infrastructure at the new sites. The additional funds will be used for generators for electrical power for the 2009 "Party in the Park" concert series, Corn Hill Landing concert series and the 175 Rochester MusicFest at Brown Square Park.

Similar additional costs were added for the 2007-08 and 2008-09 (Ord. No. 2008-238) concerts. The funding sources, by year, are summarized below:

<u>Year</u>	<u>Original Amount</u>	<u>Amendatory Amount</u>	<u>Total Amount</u>
2007-08	\$63,000	\$20,000 (Ord. No. 2008-238)	\$83,000
2008-09	\$65,500	\$25,000 (Ord. No. 2008-238)	\$90,500
2009-10	\$68,100	\$20,000 (proposed)	\$88,100

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-181
(Int. No. 208)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Sound And Lighting Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the additional compensation to be paid by the City in the third year of an amendatory professional services agreement between the City and Northeastern Production Systems, Inc. for sound and lighting services for special and cultural events. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

June 16, 2009

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-182

Re: Agreement - Young Explosives
Corporation, Fireworks Displays

Transmitted herewith for your approval is legislation establishing \$52,000 as maximum compensation for an agreement with Young Explosives Corporation, Rochester (James Young, President), to provide aerial fireworks displays on July 4, 2009 and December 31, 2009. The cost of this agreement will be funded from the 2008-09 (\$25,000) and 2009-10 (\$27,000) Budgets of the Bureau of Communications.

A similar agreement was authorized by Ord. No. 2008-240 in June 2008.

The July 4 display will be the largest Independence Day show in the area. This year's display will extend for about 22 minutes. The New Year's Eve display will be incorporated into the Big Wish New Year's Eve celebration in downtown Rochester, and signal the end of the year-long 175th Anniversary Celebration. This display will extend for about 18 minutes. Both displays will be launched over the Genesee River from the entrance ramp to route I-490 eastbound and the Genesee River Walk. Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring \$1.0 million of liability insurance.

Young Explosives does not employ any persons below the age of 18. Further, in order to be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed. Young Explosives has assured us that their domestic purchases come solely from licensed vendors.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-182
(Int. No. 209)

Establishing Maximum Compensation For A Professional Services
Agreement For Fireworks

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$52,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for Fourth of July and New Year's Eve aerial fireworks displays. Of said amount, \$25,000 shall be funded from the 2008-09 Budget of the Bureau of Communications and \$27,000 shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-183

Re: Agreement - Corn Hill Navigation,
Cruises and Concerts

June 16, 2009

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with The Corn Hill Waterfront & Navigation Foundation for a series of free cruises and production of a concert series at Corn Hill Landing. The cost of this agreement will be financed from the 2008-09 (\$20,000) and 2009-10 (\$10,000) Budgets of the Bureau of Communications.

The series of eleven cruises on the *Mary Jemison* will focus on recent and visionary plans for development and preservation of the Genesee River Extension of the Erie Canal in the city. The series will take place during the City of Rochester's 175th Anniversary *Coming Home* event in September and October 2009. The City's contribution will leverage an additional \$20,000 in matching funds from the Gleason Foundation.

The River City Rhythms Concert Series will take place at Corn Hill Landing on five consecutive Friday evenings, beginning July 10. This series is a free, family-friendly outdoor music series which grew out of the 2007 "Friday Nights at the Landing" series produced by Corn Hill Navigation. Corn Hill Navigation will provide talent, vendors, and site management for the series. More than 7,500 attended this series in 2008.

Corn Hill Navigation is a not-for-profit corporation whose mission is to improve and sustain the Erie Canal and adjoining Genesee River for current and future generations through awareness, education and enjoyment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-68

Ordinance No. 2009-183
(Int. No. 210)

Establishing Maximum Compensation For An Agreement For
Cruises And Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and The Corn Hill Waterfront & Navigation Foundation for free cruises and a concert series at Corn Hill Landing. Of said amount, \$20,000 shall be funded from the 2008-09 Budget of the Bureau of Communications and \$10,000 shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Councilmember Conklin abstained her vote because she serves on the Board of Directors of Corn Hill Navigation.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-184, Ordinance No. 2009-185,
Ordinance No. 2009-186 and Ordinance No. 2009-187

June 16, 2009

Re: Budget Amendments - \$50,000

Transmitted herewith for your approval are amendments to the Proposed 2009-10 Budget that transfer \$50,000 from the Contingency Account to various departments to enhance opportunities in four major areas: Youth Development, Citizen Support, Cultural Development, and Community Beautification. Funding will be provided for the following initiatives:

Youth Development \$20,000

CONEA Kid's Fair - \$4,500 to support a community fair in late August or early September to be run by CONEA. Of a total budget of approximately \$9,000, the City's contribution will go toward the purchase of school supplies, t-shirts and trophies.

Courtside Scouting - \$3,000 to provide a second year of funding for this important activity, which showcases the basketball talents of local youth to coaches from junior colleges as well as, NCAA Division II and III schools. The funds will pay for ads, t-shirts, referees, rental, and other miscellaneous expenses.

High School Leadership Forum - \$3,000 to Leadership Rochester to deliver a youth-training program that brings together 20 city and suburban youth to address issues that impact our community. The sessions will take place between September and May.

Youth Fashion Show - \$3,000 to support for the second year an annual pageant for youth ages 15 to 18. The event is in its seventh year of existence and serves 40 to 45 youth who, over four hours a week for six weeks, learn poise, stage presentation, and the elements of fashion in preparation for the fashion show. The three-hour event will be held in late summer, when the youth compete in four fashion categories before judges comprised of local leaders of the fashion industry.

Tuck-Murphy Basketball Tournament - \$2,500 to support this annual event that encourages sportsmanship and athletic competition. The event is organized by adult volunteers and held in City School District facilities.

Pop Warner League Monroe County Cowboys - \$2,000 to provide start-up support for this new entry in the Pop Warner league. Total budget requirements are estimated at \$18,000 and fund-raising is expected to be complete prior to the start of the fall season.

Slam High Poetry Program - \$2,000 to support a poetry/spoken word development program for youth sponsored by Writers & Books. The participants hone their literary skills and compete locally and nationally in poetry contests.

Citizen Support \$10,500

Community Anti-Violence Program - \$7,000 to the Gay Alliance of the Genesee Valley (GAGV) to launch a comprehensive outreach program so service providers and victims of violence can be informed about seeking and obtaining assistance that is needed. This effort is part of the larger anti-violence efforts of GAGV, which include direct services to victims.

Senior Citizen Transportation - \$2,000 to Baden Street Settlement House to expand their abilities to transport senior citizens to a variety of events that can enrich their lives. Lack of mobility is among the most serious problems facing many of our seniors, resulting in isolation and loss of interest in social activities.

Refugee Sustainability Garden - \$1,000 to support a collaborative effort undertaken by the Maplewood Neighborhood Association, Refugee Mission Group, Geyssens Nursery, Foodlink, Harris Seeds, Jefferson High School, and former Councilmember Robert J. Stevenson, to assist recently relocated Burmese refugees and enable them to engage in the agrarian practices that formed the core of their life style before relocation. The first garden has been planted at Geyssens on Mt. Read Blvd; a second garden is being planned for the former subway bed at Lexington Avenue.

June 16, 2009

Outreach for FIS in Beechwood - \$500 to support a community gathering that will explain the goals of the Focused Investment Strategy (FIS) efforts and build community support for participation therein. As we move ahead with FIS, it will be critical to ensure that citizens are engaged and informed about projects and plans. Social events are among the most effective ways to accomplish such citizen participation.

Cultural Development \$10,500

Downtown Community Forum - \$4,500 to present a series of interactive programs between July and December 2009 on topics of interest and concern to citizens in a nonpartisan, nonsectarian setting. Since 1985, DCF topics have sparked civic engagement by providing thought-provoking presenters who challenge Rochesterians to consider the real-time issues facing our community.

Development of Regional Strategies for Arts Organizations - \$3,000 to the Arts & Cultural Council of Greater Rochester to assist in their development of a regional strategy in support of the arts. As fiscal realities have reduced the resources available to arts groups, it is imperative that a broad look be undertaken as to how best to utilize the available resources and to ensure the survival of critical arts institutions throughout the community.

North Winton Village Arts Festival - \$2,000 to support this annual community festival that both embraces the arts and builds community throughout the neighborhood.

Lyell Avenue Music Fest - \$1,000 to support this important community event. For the past ten years, this festival has been organized by volunteers and requires an annual budget of approximately \$10,000. The City provides further assistance to the Music Fest by closing the street to traffic during the event.

Community Beautification \$9,000

In recognition of the City's 175th birthday, it is important to continue to make the City more physically attractive and to support those organizations that are committed to making Rochester a more pleasant place to live. To accomplish this, a total of \$9,000 will be provided for Community Gardens, Banners, Lighting, and Signage. Those funds will be allocated to: North Winton Village (\$2,000); Marketview Heights Collective Action (\$1,500); Charlotte Community Association (\$1,000); Park Avenue Revitalization Committee (\$1,000); Sector 9 (\$1,000); Sector 10 (\$1,000); Sector 3 (\$500); Upper Monroe Neighborhood Association (\$500); Highland Neighbors (\$500).

Respectfully submitted,
Gladys Santiago
President

William F. Pritchard
Vice President

Carolee A. Conklin
Councilmember
At-Large

John F. Lightfoot
Councilmember
At-Large

Adam C. McFadden
Councilmember
South District

Dana K. Miller
Councilmember
At-Large

Carla M. Palumbo
Councilmember
Northwest District

Elaine M. Spaul
Councilmember
East District

Lovely A. Warren
Councilmember
Northeast District

Ordinance No. 2009-184
(Int. No. 234A)

Amending The Proposed 2009-10 Budget Of The City Of Rochester
In Regard To Youth Development - \$20,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

June 16, 2009

Section 1. The Proposed 2009-10 Budget of the City of Rochester is hereby amended by transferring \$20,000 from the Contingency Account to the Department of Recreation and Youth Services for support of the following youth development activities:

CONEA Kid's Fair, \$4,500; Courtside Scouting, \$3,000; High School Leadership Forum, \$3,000; Mr. & Mrs. Trendsetter Fashion Show, \$3,000; Tuck-Murphy Basketball Tournament, \$2,500; Pop Warner League Monroe County Cowboys, \$2,000; Slam High Poetry Program, \$2,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-185
(Int. No. 234B)

Amending The Proposed 2009-10 Budget Of The City Of Rochester
In Regard To Citizen Support - \$10,500

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2009-10 Budget of the City of Rochester is hereby amended by transferring a total of \$15,000 from the Contingency Account for Citizen Support programs as follows:

\$7,000 to the Police Department for development of a Community Anti-Violence Program by the Gay Alliance of the Genesee Valley;

\$2,000 to the Department of Recreation & Youth Services for the Baden Street Senior Citizen Transportation Program;

\$1,500 to the Department of Neighborhood & Business Development, of which \$1,000 shall be for the Refugee Sustainability Garden in Maplewood, and \$500 for community outreach in Beechwood.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-186
(Int. No. 234C)

Amending The Proposed 2009-10 Budget Of The City Of Rochester
In Regard To Cultural Development - \$10,500

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2009-10 Budget of the City of Rochester is hereby amended by transferring a total of \$10,500 for Cultural Development programs from the Contingency Account as follows:

\$7,500 to the Department of Neighborhood & Business Development, of which \$4,500 shall be for the Downtown Community Forum lecture series, and \$3,000 for the development of regional arts strategies by the Arts & Cultural Council of Greater Rochester;

\$3,000 to the Administration - Communications, of which \$2,000 shall be for the North Winton Village Arts Festival, and \$1,000 for the Lyell Avenue Music Fest.

June 16, 2009

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Councilmember Palumbo abstained her vote because she is a member of Board of Directors Arts and Cultural Council.

Ordinance No. 2009-187
(Int. No. 234D)

Amending The Proposed 2009-10 Budget Of The City Of Rochester
In Regard To Community Beautification - \$9,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2009-10 Budget of the City of Rochester is hereby amended by transferring a total of \$9,000 for Community Beautification programs from the Contingency Account as follows:

\$8,000 to the Department of Neighborhood & Business Development, of which \$2,000 shall be for the North Winton Village gardens; \$1,500 for the Marketview Heights Collective Action Project; \$1,000 for the Charlotte Community Association beautification; \$1,000 for Sector 9 beautification; \$1,000 for Sector 10 beautification; \$500 for Sector 3 beautification, \$500 for Upper Monroe Neighborhood Association beautification, and \$500 for the Highland Neighbors banners.

\$1,000 to the Department of Environmental Services for the Park Avenue Revitalization Committee's holiday lighting program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-9
Re: Resolution of Budgetary Intent -
Health Benefits

Transmitted herewith for your approval is a resolution of budgetary intent regarding the possibility of providing additional health benefits to individuals being laid off from City employment. As you will recall, last June, City Council approved a budget amendment that provided an additional three months of coverage for health insurance to laid-off City employees. This was done in recognition of the substantial number of positions that were eliminated (70) and the number of layoffs that were anticipated (20).

In the Proposed 2009-10 Budget, a net of 53 positions are eliminated and significant layoffs are again possible. As a result of Council's amendment last year, the City has continued to extend the coverage for health benefits to nine months. In the current economic climate, it is quite possible that some of our former employees will not be able to find new jobs even in that extended period of time.

June 16, 2009

The City's current fiscal circumstances do not allow us the luxury of funding an additional extension, despite our genuine concern for those whose positions have been eliminated for budgetary reasons. However, we would like to monitor the situation and revisit the issue during 2010.

The proposed resolution requests that the Mayor report to City Council in January on the number of laid-off employees who are still utilizing the City's health care coverage. At that time, Council can review the fiscal situation and make a determination if any additional extension of benefits is warranted and possible

Respectfully submitted,
Carolee A. Conklin, Chair
Finance Committee

Gladys Santiago
President

Resolution No. 2009-9
(Int. No. 234E)

Resolution of Budgetary Intent - Health Benefits

WHEREAS, the City of Rochester has provided health insurance benefits to its employees during the course of their employment, and

WHEREAS, such benefits are of critical importance to ensuring the health and general welfare of our employees, and

WHEREAS, current fiscal realities have required the elimination of many positions, a fact that will result in the loss of employment by numerous City staff, and

WHEREAS, along with the loss of employment, the loss of associated health benefits would cause a substantial hardship for such laid-off employees and their families, and

WHEREAS, the City has provided six months of health coverage to employees who are being laid off, and

WHEREAS, in 2008, the City Council amended the budget to provide an additional three months of health insurance coverage in recognition of the difficult economic climate, and

WHEREAS, the economic climate has not improved substantially; in fact, the unemployment rate has continued to increase to dire levels, and

WHEREAS, while the City Council would like to further extend the health insurance coverage for laid-off City staff, current fiscal realities do not permit us to do so at this time.

BE IT THEREFORE RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby requested to provide to City Council in January a report that shall include the number of City staff who were actually laid off as a result of the adoption of the 2009-10 Budget, as well as the number of those who are still using City-provided health insurance benefits as of that time.

Section 2. The Mayor is also requested to provide to Council a recommendation that balances the scope of the need for continued health benefits for those laid-off City employees with the fiscal circumstances of the City at that time.

Section 3. The City Council shall review the Mayor's recommendation and the City's fiscal circumstances at that time and shall determine whether any extension of health insurance benefits is warranted or possible.

June 16, 2009

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-188, Ordinance No. 2009-189,
Local Improvement Ordinance No. 1609, Ordinance No. 2009-190,
Ordinance No. 2009-191, Ordinance No. 2009-192 and Ordinance No. 2009-193

Re: 2009-10 Budget

Transmitted herewith for your approval is legislation relating to the 2009-10 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. South Avenue/Alexander Street Open Space District
 - f. Downtown Special Services District (previously Downtown Guides)
 - g. Downtown Enhancement District
 - h. High Falls Improvement District
 - i. Atlantic Avenue Improvement District
 - j. St. Paul Street Streetscape
 - k. Upper East Alexander Refuse
5. Authorize certain fee increases and Code changes.

Details of the above actions related to the 2009-10 proposed budget of the City submitted to City Council on May 15, 2009 are summarized below:

1. Total appropriations of \$1,151,556,717 allocated for the City and the School District:

	<u>Proposed</u> <u>2009-10</u>	<u>Amended</u> <u>2008-09</u>	<u>\$ Difference</u>	<u>Percent</u> <u>Difference</u>
City	\$ 452,153,500	\$ 481,000,400	\$ -28,846,900	-6.0
School	<u>699,403,217</u>	<u>691,337,445</u>	<u>8,065,772</u>	1.2
Total	\$1,151,556,717	\$1,172,337,845	\$ -20,781,128	-1.8

Total non-tax revenue distributed between the City and the District:

	<u>Proposed</u> <u>2009-10</u>	<u>Amended</u> <u>2008-09</u>	<u>\$ Difference</u>	<u>Percent</u> <u>Difference</u>
City	\$410,569,245	\$ 439,635,010	\$ -29,065,765	-6.6
School	<u>586,258,217</u>	<u>578,787,945</u>	<u>7,470,272</u>	1.3
Total	\$996,827,462	\$1,018,422,955	\$ -21,595,493	-2.1

June 16, 2009

2. Total tax levies of \$162,872,900 for the City and City School District:

	<u>Proposed</u> <u>2009-10</u>	<u>Amended</u> <u>2008-09</u>	<u>\$ Difference</u>	<u>Percent</u> <u>Difference</u>
Tax Revenue	\$154,729,255	\$153,914,890	\$ 814,365	0.5
Tax Reserve	<u>8,143,645</u>	<u>8,958,010</u>	<u>-814,365</u>	-9.1
Tax Levy	\$162,872,900	\$162,872,900	\$ 0	0.0

3. Total appropriations for the Local Works fund of \$17,347,500 and total assessments of \$15,782,200:

	<u>Proposed</u> <u>2009-10</u>	<u>Amended</u> <u>2008-09</u>	<u>\$ Difference</u>	<u>Percent</u> <u>Difference</u>
Street Maintenance	\$ 3,802,255	\$ 4,106,335	\$ -304,080	-7.4
Sidewalk Repair	1,588,778	1,661,594	-72,816	-4.4
Roadway Plowing	8,129,833	7,846,138	283,695	3.6
Sidewalk Plowing	<u>2,261,334</u>	<u>2,153,233</u>	<u>108,101</u>	5.0
Total	\$15,782,200	\$15,767,300	\$ 14,900	0.1

4. The budgets for the various street malls and the Public Market were approved on February 17, 2009. The budgets for the open space, lighting, Cascade and Norton Streetscapes, and High Falls Business District were approved on April 14, 2009. The budgets for the Downtown Enhancement District, Downtown Special Services District (previously known as Downtown Guides), East Avenue and Alexander Street Entertainment District, and parking lots were approved on May 12, 2009. The assessments required for the various programs consist of the following:

	<u>Proposed</u> <u>2009-10</u>	<u>Amended</u> <u>2008-09</u>	<u>\$ Difference</u>	<u>Percent</u> <u>Difference</u>
Street Malls	\$ 81,285	\$ 78,209	\$ 3,076	3.9
Parking Lots	72,345	66,110	6,235	9.4
Public Market	36,276	36,159	117	0.3
Lighting and Sidewalks	39,557	40,699	-1,142	-2.8
Open Space Districts	6,500	6,500	0	0.0
Downtown Special Services	449,941	441,969	7,972	1.8
Downtown Enhancement	553,200	540,900	12,300	2.3
High Falls Improvement District	25,000	25,000	0	0.0
Atlantic Avenue Improvement	3,045	21,378	-18,333	-85.8
St. Paul Street Streetscape	20,649	20,649	0	0.0
Upper East/Alexander Refuse	17,930	0	17,930	100.0

5. The proposed additions to the tax roll consist of the following charges:

	<u>Proposed</u> <u>2009-10</u>	<u>Amended</u> <u>2008-09</u>	<u>\$ Difference</u>	<u>Percent</u> <u>Difference</u>
Delinquent Refuse	\$ 565,688	\$ 562,598	\$ 3,090	0.5
Delinquent Water	6,809,125	6,471,375	337,750	5.2
Code Enforcement Supplemental and Omitted Taxes	44,373	52,988	-8,615	-16.3
Local Improvements	176,818	175,756	1,062	0.6
Encroachments	17,166	19,656	-2,490	-12.7
Rehabilitation/Demolition	4,375	4,375	0	0.0
Code Violations	264,732	220,731	44,001	19.9
Arnold Park	1,191,568	929,801	261,767	28.2

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Monuments	7,055	7,055	0	0.0
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6. Amending the City Code for proposed departmental fee and fine increases will result in incremental revenues of approximately \$473,300 to the following Departments:

Neighborhood and Business Development	\$470,100
Bureau of Human Resource Management	<u>3,200</u>
	\$473,300

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-188
(Int. No. 234, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The
2009-10 Fiscal Year, Appropriation Of Sums Set Forth Therein And
Approving Commercial Refuse Fees

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2009 to June 30, 2010, providing for the expenditure of \$452,153,500, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2009-10 are hereby authorized to be expended and the sum of \$452,153,500 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk	\$ 1,816,900	
Administration	[9,986,400]	<u>9,989,400</u>
Neighborhood and Business Development	[13,899,400]	<u>13,916,400</u>
Environmental Services	[79,614,500]	<u>79,615,500</u>
Finance	6,966,800	
Information Technology	4,308,700	
Law	1,867,000	
Library	11,153,500	
Recreation and Youth Services	[12,295,000]	<u>12,317,000</u>
Emergency Communications	10,520,500	
Police	[76,058,800]	<u>76,065,800</u>
Fire	42,070,500	
Undistributed Expenses	99,762,500	
Contingency	[10,152,800]	<u>10,102,800</u>
Cash Capital	39,151,000	
Debt Service	32,529,200	
Sub-total	\$452,153,500	
Tax Reserve	2,188,645	
Total	\$454,342,145	

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2009-10 is hereby fixed and determined at \$410,569,245 and said sum is appropriated for the purposes set forth in the budget estimate.

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Section 4. The budget estimate for the fiscal year 2009-10 providing for the raising of taxation on real estate for municipal purposes of the sum of \$43,772,900 is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2009-10.

Section 6. This ordinance shall take effect on July 1, 2009.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-189
(Int. No. 236)

Levying Taxes For Municipal Purposes For The Fiscal Year
Commencing July 1, 2009 And Expiring June 30, 2010

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$43,772,900, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2009 and expiring June 30, 2010 the amount required to meet the budget estimates for municipal purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2009 and expiring June 30, 2010.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2009 and expiring June 30, 2010.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1609
(Int. No. 239)

Local Improvement Ordinance - Street Cleaning, Street And
Sidewalk Snow Removal, And Hazardous Sidewalk Repair
Commencing July 1, 2009 And Expiring June 30, 2010

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The Council finds and declares (1) that it is in the public interest to provide street cleaning, snow removal services on the streets and sidewalks, and the repair of hazardous sidewalks in the City of Rochester during the fiscal year from July 1, 2009 to June 30, 2010; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2009 to June 30, 2010:

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- A. The removal of snow from such sidewalks and the repair of such hazardous sidewalks as the Commissioner may direct.
- B. The removal of snow and ice from the roadway of such streets as the Commissioner may direct, including the use of sodium chloride, calcium chloride, and other chemicals or abrasives for the treatment of slippery or icy pavement as deemed necessary by the Commissioner.
- C. The cleaning and/or flushing of such streets as the Commissioner may direct, including hand-cleaning, tank flushing, mechanical sweeping, and the collection and removal of brush, leaves, and debris.

Section 3. Such work shall be done by competitive contract, or by the Department of Environmental Services, as the Commissioner of Environmental Services deems appropriate.

Section 4. The cost of providing such street cleaning and street snow removal services for the 2009-10 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be derived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2009-10 fiscal year shall be assessed against all parcels of property that abut a sidewalk, reflecting the benefit to be derived by such parcels from such services.

Section 5. The amount assessed shall be allocated among all benefited parcels in direct proportion to each parcel's street or sidewalk footage, defined for purposes of this ordinance as the full footage of the parcel along the street or sidewalk upon which it fronts, plus one-third of the footage along any other abutting streets or sidewalks. The Council hereby determines that such street or sidewalk footage represents the relative amount of benefit received by each such parcel.

Section 6. The total cost of such services to be assessed on July 1, 2009 shall be \$15,782,200 consisting of \$3,802,255 for street and lot maintenance, \$1,588,778 for sidewalk repair, \$8,129,833 for roadway snow removal and \$2,261,334 for sidewalk snow removal services. Such total amount constitutes an estimate of the amount necessary to pay contractors to provide services and to cover the costs of providing services with City crews between July 1, 2009 and June 30, 2010, less any miscellaneous revenues estimated to be collected during the same period, plus a reasonable reserve for uncollected assessments. All assessments collected shall be paid into the Local Works Fund, and all costs incurred shall be paid from such fund. The amounts assessed herein are appropriated for that purpose.

Section 7. The amount assessed on July 1, 2009 shall be billed on the tax bill and shall be due in one installment. Delinquent assessments collected more than 60 days into a fiscal year subsequent to the fiscal year billed shall be credited as revenue in the year collected and applied against costs in that fiscal year.

Section 8. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Ordinance No. 2009-190
(Int. No. 240, As Amended)

Amending The Municipal Code With Respect To Fees For Civil
Service Examinations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 14-11 of the Municipal Code, Fee for civil service examinations, as amended, is hereby further amended by adding the following new sentence to the end thereof:

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City employees [taking] applying for promotional examinations shall [be required to reimburse the City for the cost of the examination] pay a nonrefundable fee for both State and local examinations equivalent to the fee charged to the City by New York State for promotional examinations.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No.'s 235, 237 and 238 were voted on after Resolution No. 2009-10 was adopted.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2009-10

Re: 2009-10 Debt Limit

Transmitted herewith for your approval is legislation establishing the Debt Limit, and Debt Rollover and Debt Extension amounts for the 2009-10 Budget.

2009-10 Debt Limit

The Debt Limit for tax supported borrowing is equal to the amount of principal on outstanding debt to be redeemed during the fiscal year for which the limit is established. The calculation excludes the redemption of principal on any borrowing approved as an exception to the Debt Limit and is further reduced by specific revenues attributable to bonded debt. The resulting Debt Limit for 2009-10 is \$17,831,000.

Attached is the 2009-10 Debt Authorization Plan, which calls for borrowing of \$17,746,000 in tax supported funds. The Plan also includes an additional \$9,639,000 supported by the City's Enterprise Funds (Water and Local Works).

Debt Rollover 2008-09 and 2007-08

The Debt Authorization Plans for the current and the two immediately prior fiscal years can remain open contingent upon the approval of the rollover amounts. This provides flexibility in the timing of authorizations which vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of unauthorized items in the debt plan that are no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

2008-09: The Debt Limit for this year was \$16,855,000. Of that amount, \$8,196,000 has been authorized, leaving a balance of \$8,659,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2008-09 itemizes projects remaining for that year and the details of the changes resulting from advanced funding.

2007-08: The Debt Limit for this year was \$34,363,700. Of that amount, \$24,445,700 has been authorized, leaving a balance of \$9,918,000. Approval of a rollover in that amount is requested. The plan was modified to include advance funding for Midtown Plaza acquisition and relocation costs as well as funding for the Fast Ferry payment. The attached Debt Authorization Plan for 2007-08 itemizes projects remaining for that year.

Time Limit Extensions for 2006-07 and 2005-06

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Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds, or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available. One-year extensions are requested for the following items based on programming and timing:

<u>2006-07 Project</u>	<u>Purpose</u>	<u>Amount</u>
R-1 Manhattan Square Park	renovations	\$1,000,000
P-15 Dewey Avenue Fire House	renovation	58,000
F-2 Hazardous Waste Remediation	Brooks Landing	100,000
F-2 Hazardous Waste Remediation	Emerson Street	462,000
F-2 Hazardous Waste Remediation	contaminated sites within the city	142,000
G-8 Market Rate Downtown Development	downtown development	230,000
G-8 Market Rate Housing Acquisition	housing development	<u>1,000,000</u>
Total 2006-07 Extension		\$2,992,000
 <u>2005-06 Project</u>	 <u>Purpose</u>	 <u>Amount</u>
G-4 Parking Garage Improvements	garage renovations	\$ 100,000
G-8 Historic Aqueduct Redevelopment	Broad St. aqueduct renovation	387,000
G-8 Oak View Hill Development	market rate housing infrastructure	865,000
T-9 Broad Street Subway Tunnel	tunnel rehab - Brown to Exchange Sts.	934,000
F-2 Hazardous Waste Remediation	contaminated sites within the city	30,000
G-7 Waterfront Planning & Acquisition	Port development	<u>1,400,000</u>
Total 2005-06 Extensions		\$3,716,000

Each of these projects depends upon the partnership of developers and the cooperation of other governments. Like any business venture, delays are inevitable when financial or regulatory obstacles delay implementation. At the same time the City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-69

Resolution No. 2009-10
(Int. No. 242)

Resolution Approving The 2009-10 Debt Limit For General
Municipal Purposes

WHEREAS, an important component of the City's expense budget and tax levy is debt; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond ratings; and

WHEREAS, control of the debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service.

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NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2009-10 to \$17,831,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2007-08 and 2008-09 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for fiscal year 2006-07 relating to renovations to Manhattan Square Park, Dewey Avenue fire station, hazardous waste remediation at Brooks Landing, Emerson Street, and contaminated City sites, market rate downtown housing development and general market rate housing development, and for fiscal year 2005-06 relating to parking garage improvements, Historic Aqueduct Redevelopment, Oak View Hill Development, Broad Street Subway Tunnel, hazardous waste remediation, and waterfront planning and acquisition.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of an adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2009-191
(Int. No. 235)

Adoption Of The Budget Estimates For School Purposes For The
Fiscal Year Commencing July 1, 2009 And Expiring June 30, 2010,
And Appropriation Of Sums Set Forth Therein

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for school purposes for the fiscal year July 1, 2009 to June 30, 2010, providing for the expenditure of \$699,403,217, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for school purposes for the fiscal year 2009-10 are hereby authorized to be expended and the sum of \$699,403,217 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$658,986,386
Cash Capital	15,027,738
Debt Service	<u>25,389,093</u>
Subtotal	699,403,217
Tax Reserve	<u>5,955,000</u>
Total	\$705,358,217

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Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2009-10 is hereby fixed and determined at \$586,258,217 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2009-10 providing for the raising of taxation on real estate for school purposes of the sum of \$119,100,000 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2009.

Passed by the following vote:

Ayes - President Santiago, Councilmember Lightfoot, McFadden, Palumbo, Pritchard, Spaul - 6.

Nays - Councilmembers Conklin, Miller, Warren - 3.

Ordinance No. 2009-192
(Int. No. 237)

Levying Taxes For School Purposes For The Fiscal Year
Commencing July 1, 2009 And Expiring June 30, 2010

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$119,100,000, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2009 and expiring June 30, 2010 the amount required to meet the budget estimates for school purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2009 and expiring June 30, 2010.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2009 and expiring June 30, 2010.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Ordinance No. 2009-193
(Int. No. 238)

Confirming The Assessments, Amounts And Charges To Be
Inserted In The Annual Tax Rolls For The Fiscal Year Commencing
July 1, 2009 And Expiring June 30, 2010

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The following assessments, amounts and charges, and the allocation of said amounts against properties in the City, as set forth in roll or rolls on file in the City Clerk's Office, to be inserted into the annual tax rolls for the fiscal year commencing July 1, 2009 and expiring June 30, 2010 are hereby in all respects confirmed:

Street and Lot Maintenance	\$3,802,255.00
Roadway Snow Removal	8,129,833.00
Sidewalk Snow Removal	2,261,334.00
Hazardous Sidewalk Repair	1,588,778.00
Delinquent Refuse	565,687.45

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Delinquent Water Charges	6,809,124.50
Supplemental Taxes	175,740.13
Omitted Taxes	1,077.90
Street Malls	81,285.00
Arnold Park Monuments	7,055.29
Parking Lots	72,345.00
Code Enforcements	44,372.50
Code Violations	1,194,568.00
Local Improvements	17,165.40
Downtown Enhancement	553,200.00
Public Market Plowing	5,406.98
Public Market Security	30,868.42
Encroachment Fees	4,375.00
Rehabilitation Charges	254,736.61
Demolition	9,995.00
Downtown Special Services	449,941.00
Lyell Avenue Street Lights - District I	2,458.30
Lyell Avenue Street Lights - District II	2,385.98
Wilson Blvd. Street Lights	440.22
Blossom Road Lights	609.42
Monroe Avenue Lights I	7,017.16
Monroe Avenue Lights and Sidewalk II	9,495.08
Norton Street District	4,030.03
Cascade District	5,998.94
Lake Avenue Lights	3,507.19
High Falls Business Improvement District	25,000.00
South Avenue-Alexander Open Space	6,500.00
St. Paul Street Streetscape	20,649.38
St. Paul Street Lighting	445.85
Rundel Park Lighting	3,168.68
Atlantic Avenue Landscape	3,045.12
Upper East Alexander Refuse	17,930.00

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren

June 16, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

Int. No. 211 - Authorizing The Sale Of Real Estate

Int. No. 212 - Authorizing An Agreement For A Tenant Education Program

Int. No. 213 - Authorizing Agreements For The Emergency Shelter Grant Program, As Amended

Int. No. 214 - Approving A Lease For Office Space For The Swillburg Neighborhood Association

Int. No. 241 - Authorizing An Agreement For A Healthy Heart Program Grant

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Int. No. 243 - Authorizing An Amendatory Agreement For The Sector 3 Community Garden Beautification Project As Part Of The Sector Targeted Initiative Program

Int. No. 247 - Establishing Maximum Compensation For A Professional Services Agreement For An Evaluation Of The ESG And HOPWA Programs

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-194
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of ten properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first three properties are vacant buildable lots and are being sold to the adjoining owners. All buyers plan to combine the lots with their adjoining property and install fencing.

The last seven properties are unbuildable vacant lots that are being sold to the adjoining owner for \$1.00. The purchasers will combine the parcel with their adjoining property.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,966.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-70

Ordinance No. 2009-194
(Int. No. 211)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcels of vacant land with proposal:

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<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
90 Maria St	106.24-2-76	35x116	\$50	David Rube
12 Miller St	106.42-3-32	30x210	\$60	*Rock Christian Center
140 Bay St	106.50-2-4	44x193	\$60	*Rock Christian Center

*Principals: Trustees - Jose Malave, Angel Lopez, Jorge Rivera, Esteban Gonzalez, Andres Serrano, Pedro Santiago, Abraham Malave

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
N/H 25 Lill St	Pt of 106.30-4-60	19x114	2,166	Antonio & Carmen Colon
S/H 25 Lill St	Pt of 106.30-4-60	19x114	2,166	Wilmarie-Ayala Casado
N/H 262 Clifford Ave	Pt of 106.30-4-65.2	19x28	532	Antonio & Carmen Colon
S/H 262 Clifford Ave	Pt of 106.30-4-65.2	19x28	532	Wilmarie-Ayala Casado
258 Clifford Ave	106.30-4-65.4	28x38	1,064	Wilmarie-Ayala Casado
225 N. Union St	106.66-2-25	33x97	3,201	May Eloise Nathan
145 Clifton St	120.51-4-8	40x98	2,972	**RHDFC

**Principals: Jean Lowe, President; Michael Burke, Treasurer

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-195
Re: Agreement - The Housing Council,
Tenant Education Program

Transmitted herewith for your approval is legislation establishing \$23,688 as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc. to provide workshops in support of the Tenant Education Program; and appropriating \$23,688 from the 2008-09 Improving the Housing Stock and General Property Conditions allocation, Rental Housing Fund, of the 2008-09 Community Development Block Grant to fund the agreement.

The program includes a series of workshops that were originally developed over a decade ago in collaboration with the County of Monroe as part of the Proactive Property Management Program. This education program

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is designed to help participants understand their rights and responsibilities as tenants, with the goals of reducing transiency and strengthening the rental market. A copy of the curriculum is attached.

Workshop participants will be referred by the County Department of Health and Human Services and Neighborhood Services Centers. The workshops will be held at the Southwest and Northeast NSC offices. Each participant will receive a certificate of completion. It is anticipated that the program will accommodate approximately 420 tenants each year.

The budget for the program is as follows:

Staff	\$18,032
Fringe	2,022
Indirect costs	3,176
Mileage	<u>458</u>
Total	\$23,688

Tenant accountability has been a substantial concern of the community for several years, and has been identified in several planning efforts, including the City's housing market study, development of the housing policy, landlord summit and roundtables, and the Voice of the Customer sessions.

In support of the Housing Policy the City issued an RFP in the fall of 2008 to address needs in the rental market. The services to be funded by this appropriation were identified in a proposal received from The Housing Council in response to the RFP.

This program supports Housing Policy as follows:

Rental Housing Fund (\$23,688): This fund supports efforts to strengthen the rental market through the coordination of tenant services that reduce unwanted transiency, encourage accountability, and result in longer-term tenancies.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-71

Ordinance No. 2009-195
(Int. No. 212)

Authorizing An Agreement For A Tenant Education Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for a Tenant Education Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$23,688, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

June 16, 2009

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-196
Re: Agreements - 2009-10 Emergency
Shelter Grant Program

Transmitted herewith for your approval is legislation appropriating \$327,238 in Emergency Shelter Grant funds, and authorizing agreements for implementation of the 2009-10 Emergency Shelter Grant (ESG) Program.

In previous years, the ESG program was administered by the Department of Recreation and Youth Services. With the reorganization of City services and departments, beginning July 1, 2009, the ESG will be administered by the Bureau of Business and Housing Development of the Department of Neighborhood and Business Development (NBD). In assuming this program, and the Housing Opportunities for Persons with AIDS program, NBD will evaluate the programs to ensure alignment of services with the City's Housing Policy. Legislation regarding the program evaluation has been submitted separately. In light of the planned evaluation, it has been decided to continue funding based on last year's ESG allocations.

Project summaries for the 2009-10 program services are attached. Service providers and agreement amounts are:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women	\$ 21,490
Asbury Dining and Caring	2,010
Blessed Sacrament Church	11,780
Cameron Community Ministries	7,640
Catholic Charities	5,000
CFC - Francis Center	16,710
CFC - Sanctuary House	7,640
CFC - Women's Place	19,100
Dimitri House	12,710
Enriche House	14,320
Hillside Children's Center	8,008
Mercy Residential - Families First	13,370
Mercy Residential - Melita House	12,410
Recovery House	20,150
Rochester Area Interfaith Hospitality Network	11,460
Salvation Army/Booth Haven	28,650
Sojourner House	23,870
Spiritus Christi - Jennifer House	13,370
Spiritus Christi - Nielsen House	9,550
St. Martin's Place	8,590
The Center for Youth/Runaway Homeless Youth	28,650
Veteran's Outreach Center	8,090
Volunteers of America	10,000
Wilson Commencement Park	5,510
YWCA	7,160
Total	<u>\$327,238</u>

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-72

June 16, 2009

Ordinance No. 2009-196
(Int. No. 213, As Amended)

Authorizing Agreements For The Emergency Shelter Grant
Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Emergency Shelter Grant Program:

Organization	Amount
Alternatives for Battered Women	\$21,490
Asbury Dining and Caring	2,010
Blessed Sacrament Church	11,780
Cameron Community Ministries	7,640
Catholic Charities	5,000
Catholic Family Center/Francis Center	16,710
Catholic Family Center/Sanctuary House	7,640
Catholic Family Center/Women's Place	19,100
Dimitri House	12,710
[Enriche House	14,320]
Hillside Children's Center	8,008
Mercy Residential/Families First	13,370
Mercy Residential/Melita House	12,410
Recovery House	20,150
RAIHN (Rochester Area Interfaith Hospitality Network)	11,460
Salvation Army/Booth Haven	28,650
Sojourner House	23,870
Spiritus Christi - Jennifer House	13,370
Spiritus Christi - Neilsen House	9,550
St. Martin's Place	8,590
The Center for Youth/Runaway Homeless Youth	28,650
Veteran's Outreach Center	8,090
Volunteers of America	10,000
Wilson Commencement Park	5,510
YWCA	7,160

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$[327,238] 312,918, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 Emergency Shelter Grant Program Funds.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmember Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 8.

Nays - None - 0.

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Councilmember Spaull abstained her vote because she is an employee at the Center for Youth.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-197

Re: Lease - 846 S. Clinton Avenue

Transmitted herewith for your approval is legislation authorizing a lease agreement with the Swillburg Neighborhood Association for the continued use of office space on the second floor of the City-owned property at 846 South Clinton Avenue. The City's NSC Area D and E offices are located on the first floor of this property.

The Swillburg Neighborhood Association has been occupying approximately 500 square feet of space at this location since 2005. The space is used primarily as a meeting area for the Association's executive committee.

The term of the lease will be for one year, beginning on July 1, 2009 at an annual cost of \$1,000. Improvements to the space, including drywall, carpet, suspended ceilings and HVAC, were made by the Association at the beginning of the original term in 2005.

The annual rental amount will be satisfied through community services performed by the Neighborhood Association. These services include, but are not limited to, maintenance of garden projects, coordinating neighborhood social events and the neighborhood watch program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-197
(Int. No. 214)

Approving A Lease For Office Space For The Swillburg
Neighborhood Association

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Swillburg Neighborhood Association for the lease of office space on the second floor of the City owned building at 846 South Clinton Avenue, for a term of one year, with rent at \$1,000. The lease agreement shall be terminable by the City upon 30 days written notice. The Swillburg Neighborhood Association shall be required to provide community services in the amount of \$1,000 to offset rent.

Section 2. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-198

Re: Agreement - New York State,

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Healthy Heart Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Health for the receipt of a five-year grant from the State's Healthy Heart Program. The City of Rochester responded to a Request for Proposal from the State Health Department in October 2008 and was recently notified of the award, which is \$72,270 for the first year.

The City's Department of Neighborhood and Business Development will use these funds to create walking routes and indoor venues for physical activity in three low-income city neighborhoods. The City will select sub-contractors to implement the program through an RFP process currently underway. The City's project was one of twelve projects in the state to receive this award and one of three recipients in Central/Western NY.

It is expected that execution of the contract with New York State will be completed in approximately three months. Upon execution, Council authorization for the selection of contractor(s) and the expenditure of funds will be requested.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-198
(Int. No. 241)

Authorizing An Agreement For A Healthy Heart Program Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for a grant under the State's Healthy Heart Program.

Section 2. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-199
Re: Agreement - Charles Settlement
House, Jones Square Park
Renovation

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Charles Settlement House, Inc. to act as fiduciary for an NBN Sector Three project. The agreement will be funded from 2000-01 Cash Capital, as part of the Neighbors Building Neighborhoods Sector Targeted Funding Initiative (STFI).

Sector Three will install a fountain at Jones Square Park, as part of their original STFI project, developing community gardens, which identified a park feature as a priority. The fountain is intended to match the fountain that was an original feature of the park.

To be eligible for STFI funding, sector groups were required to submit proposals that outlined a specific project that would achieve highly visible physical improvements or economic development opportunities. The sector is

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also required to demonstrate a 100% match in order to receive funding. Sector Three will receive a grant secured through Assemblywoman Susan John's office as the match.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-73

Ordinance No. 2009-199
(Int. No. 243)

Authorizing An Amendatory Agreement For The Sector 3
Community Garden Beautification Project As Part Of The Sector
Targeted Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Charles Settlement House under the Sector Targeted Initiative Program for funding for the Sector 3 Community Garden Beautification Project.

Section 2. The amendatory agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital allocation.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-200
Re: Agreement - Center for Governmental
Research, Inc., Evaluation of ESG
And HOPWA Programs

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Center for Governmental Research, Inc. to evaluate the Emergency Shelter Grant (ESG) and the Housing Opportunities for Persons with AIDS (HOPWA) Programs. The cost of this agreement will be financed from the 2008-09 Budget of the Department of Community Development.

ESG provides an array of services city-wide that are designed to alleviate or prevent homelessness. HOPWA supports a range of housing assistance and support services for low-income people with HIV/AIDS and their families. As of July 1, 2009, as part of the new Department of Neighborhood and Business Development, the administration of these programs, previously provided by the Department of Recreation and Youth Services, will transfer to the Bureau of Business and Housing Development.

In assuming responsibility, NBD will evaluate the impact and efficiency of the programs. The goal of the evaluation is to ensure alignment of ESG and HOPWA services with various City policies and documents including: The Housing Policy which was adopted in March 2008; *The Rochester/Monroe County Homeless*

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Continuum of Care 2009 Priorities; and Housing Options for All - A Strategy to End Homelessness in Rochester/Monroe County.

A Request for Proposal for the evaluation services was issued on April 16, 2009. Proposals were received from two firms - AGTY Consulting and The Center for Governmental Research, Inc. (CGR). Review of the proposals used the following criteria: comprehensive knowledge of the Rochester community; relevant experience and expertise in the evaluation of community development programs; sound research methodology and organizational management practices, including financial accountability and technical expertise; and cost. Based on the review, CGR was selected.

CGR will furnish a written report of findings with recommendations for future service delivery and shall be available to make presentations to City Council and the community at the request of the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-200
(Int. No. 247)

Establishing Maximum Compensation For A Professional Services
Agreement For An Evaluation Of The ESG And HOPWA Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Governmental Research, Inc. for an evaluation of the Emergency Shelter Grant (ESG) and Housing Opportunities for Persons with AIDS (HOPWA) Programs. Said amount shall be funded from the 2008-09 Budget of the Department of Community Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot
June 16, 2009

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 215 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,970,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2009 Water Main Extension And Improvements Program In The City

Int. No. 216 - Authorizing Agreement With The County Of Monroe For Water Testing Services At Durand Eastman Beach

Int. No. 217 - Authorizing An Amendatory Municipal Cooperation Agreement For The Highland Park/Canalway Trail Improvements Project

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Int. No. 218 - Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Stormwater Pollution Prevention Measures

Int. No. 246 - Authorizing An Amendatory Agreement For The Operation Of Public Waterfront Facilities

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 219 - Changing The Traffic Flow Of Dayton Street From Two-Way To One-Way Westbound

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-201
Re: Bond Authorization - Water Main
Extensions and Improvement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,970,000 and appropriating the proceeds thereof for the annual Water Main Extensions and Improvements Program. This request is consistent with the 2006-07 and 2007-08 Capital Improvement Programs.

The Water Main Extensions and Improvements Program provides for the scheduled replacement of deteriorated and inadequate water mains. There are approximately 599 miles of pipe in the City's water distribution system, and approximately 400 miles of pipe are older than 75 years, which is the expected useful life of water mains.

The proposed bond issue will finance water main improvements in the following locations:

<u>Location</u>	<u>From</u>	<u>To</u>
Seneca Ave.	Norton St.	Rte 104 Expressway
Evergreen St.	N. Clinton Ave.	600' west
Northland Ave.	N. Goodman St.	Lyceum St.
Lattimore Rd./Kendrick Rd.	Castleman Rd.	Crittenden Blvd.
Shelbourne Rd.	Castleman Rd.	Mt. Hope Ave.
Stanford Rd.	Castleman Rd.	Eastmoreland Dr.
Eastmoreland Dr.	Shelbourne Rd.	Lattimore Rd.

Approximately 1.7 miles of new water main will be installed to increase water pressure and flow for regular consumption and fire protection.

Bids for the improvements were received May 12, 2009. The work will be performed by Villager Construction, Inc. at a maximum cost of \$ 1,763,650 which is \$ 236,350 less than the engineering estimate. An additional \$ 206,350 representing 12% of the bid amount will be provided for contingencies.

The improvements are scheduled to begin in Summer 2009 and be completed by Spring 2010. Project inspection will be performed by Water Bureau personnel.

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Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-74

Ordinance No. 2009-201
(Int. No. 215)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$1,970,000 Bonds Of Said City To Finance The
Reconstruction Of Various Water Mains Related To The 2009 Water
Main Extension And Improvements Program In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the 2009 Water Main Extension and Improvements Program, including but not limited to water mains along Seneca Avenue, Evergreen Street, Northland Avenue, Lattimore Road/Kendrick Road, Shelbourne Road, Stanford Road and Eastmoreland Drive in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,970,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,970,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,970,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,970,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein

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authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-202
Re: Agreement - Monroe County, Water
Quality Testing at Durand Eastman
Beach

Transmitted herewith for your approval is legislation establishing \$10,000 as annual maximum compensation for an agreement with Monroe County for the provision of water testing services at Durand Eastman Beach. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. This agreement may be renewed annually for the amount included in the annual budget for this purpose. The cost for these services was \$8,099 in 2007 and \$7,222 in 2008.

The City operates a portion of the beach at Durand Eastman Park for swimming annually between May and September. Through the agreement with the County, the County Health Department will provide the following services to support beach operations:

- Beginning on or about April 28 each year, the County Health Department will collect water samples twice weekly, or as necessary, to capture storm events at locations determined by the Health Department along the beach.
- The sampling results from the 2008 and 2009 seasons will be used by the County Health Department for an operational model, similar to the one employed at Ontario Beach. This will be used for making decisions whether to open or close the beach for water quality reasons.
- City aquatic staff will provide notification informing the public of the status of the beach for swimming. The County Health Department will provide a Monroe County telephone hot-line with information on the status of both Ontario and Durand Beaches.

Respectfully submitted,
Robert J. Duffy

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Mayor

Ordinance No. 2009-202
(Int. No. 216)

Authorizing Agreement With The County Of Monroe For Water
Testing Services At Durand Eastman Beach

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for water testing services at Durand Eastman Beach.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. The agreement may be extended annually in an amount not to exceed that set forth in the budget for said purpose.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-203
Re: Amendatory Agreement - Highland
Park/Canalway Trail Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Town of Brighton for additional design services related to the Highland Park/Canalway Trail Improvements Project. The original agreement, authorized in August 2008, provided for the City share of funding in the amount of \$7,920 for the preliminary design phase of the project. This amendment will increase the City share by \$6,600, for a total of \$14,520, and extend the term of the contract through the final design and big phases. The additional amount will be funded from 2002-03 Cash Capital (Trail Improvements).

The remainder of the design costs include Brighton's share of \$29,480 and Federal Transportation Improvement Program funding of \$176,000.

The project includes the construction of a multi-use neighborhood connector trail between the Canalway Trail, south of Westfall Road to the east bank of the Genesee Riverway Trail at McLean Street, north of the University of Rochester. The trail will connect neighborhoods in the Town of Brighton and the City of Rochester to the Canalway Trail and Genesee Riverway Trail, and provide statewide trail users access to adjacent parks and open space resources.

Brighton is administering the design and construction of the project, as a majority of the improvements are located within the town. It is anticipated that the City's share for construction and inspection of the project will not exceed \$60,000; additional Council authorizations will be required.

Design of the improvements began in January 2008; it is anticipated that construction will commence in Fall 2009 and will be completed in Summer 2010.

Respectfully submitted,

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Robert J. Duffy
Mayor

Attachment No. AI-75

Ordinance No. 2009-203
(Int. No. 217)

Authorizing An Amendatory Municipal Cooperation Agreement For
The Highland Park/Canalway Trail Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Town of Brighton to administer the Highland Park/Canalway Trail Improvements Project.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$6,600 for design services, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital allocation. The costs of any necessary additional services and construction shall be provided from the annual budgets or through additional appropriations.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2009-204
Amending the City Code -
Chapter 39, Phase II Storm
Water Regulations

Transmitted herewith for your approval is legislation amending Article IV (Site Preparation) of Chapter 39 of the Code of the City of Rochester to add two new sections related to federal storm water regulations.

The federal Clean Water Act of 1972 established laws designed to restore and maintain water quality. In New York State, the Department of Environmental Conservation is responsible for implementing this EPA program. Phase I is in effect and requires developments of five acres or greater to provide a Storm Water Pollution Prevention Plan (SWPPP) to the affected municipality, and to obtain a State Pollutant Discharge Elimination System (SPDES) permit from the DEC.

Phase II of the storm water program decreases the area of disturbance requiring an SWPPP and SPDES permit to 25,000 square feet, and requires municipalities with storm water systems to adopt local ordinances specifically addressing construction and post-construction storm water pollution and prevention.

The City's current standard requiring a site preparation permit whenever 10,000 square feet or more are disturbed is already more conservative than the Phase II requirements. No additional permits or fees will be necessary since the SWPPP will also fulfill the submittal requirements for the site preparation permit. There will be no substantial change to the way development is reviewed and conducted in the City of Rochester.

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The City, a member of the Monroe County Storm Water Coalition, participated in the development of the new ordinances that are being recommended by the Coalition for adoption by all Monroe County Municipalities. This will provide uniform administration and enforcement of the mandated regulations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-204
(Int. No. 218)

Amending Chapter 39 Of The Municipal Code, Building Code, With
Respect To Stormwater Pollution Prevention Measures

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 39 of the Municipal Code, Building Code, as amended, is hereby further amended by renaming Article IV as "Site Preparation and Stormwater Pollution Prevention", by designating Sections 39-400 through 39-412 as Part I, "Site Preparation" of said Article IV; by renumbering Section 39-314, Applicability of Article II, as Section 39-460 and designating said section as Part IV, "General Provisions" of said Article IV; and by adding thereto the following new Parts II and III to said Article IV:

Part II

Construction Stormwater Pollution Prevention and Erosion and Sediment Control

Section 39-420. Introduction / Purpose.

Section 39-421. Definitions.

Section 39-422. Applicability.

Section 39-423. Compatibility with other permits and article requirements.

Section 39-424. Standards for construction activities covered under this Part.

Section 39-425. Land disturbance activity approval process.

Section 39-426. Financial guarantees.

Section 39-427. Stormwater Pollution Prevention Plan Requirements.

Section 39-428. Inspections.

Section 39-429. Duration, maintenance and closeout.

Section 39-430. Violations.

Section 39-420. Introduction/Purpose.

Land disturbance activities and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality, and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates maintenance and/or repair of sewers and ditches, and the dredging of waterways. In addition, clearing and/or grading during construction tends to increase soil erosion and causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for citizens of The City of Rochester. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow. Regulation of land disturbance activities by means of performance standards governing stormwater management and site design will

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produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

As a result, the purpose of this local regulation is to safeguard public health, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land in The City of Rochester. It seeks to meet those purposes by achieving the following objectives:

- A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
- B. Require land disturbance activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities or as amended or revised;
- C. Minimize increases in stormwater runoff from land disturbance activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
- D. Minimize increases in pollution caused by stormwater runoff from land disturbance activities which would otherwise degrade local water quality;
- E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
- F. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Section 39-421. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

AGRICULTURAL ACTIVITY - The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT - A property owner or agent of a property owner who has filed an application for a land disturbance activity.

CLEARING - Any activity which removes the vegetative surface cover.

DESIGNATED AGENT - Individual(s) directed by the City of Rochester to conduct site inspections and/or perform other municipal duties.

EARTHWORK - Construction activities including clearing, grading, excavating, soil disturbance or placement of fill that result in land disturbance.

EROSION CONTROL - Measures that minimize erosion.

FINAL STABILIZATION - All soil-disturbing activities at the site have been completed and a uniform perennial vegetative cover with density of 80% has been established or equivalent measures such as the use of mulches or geotextiles have been employed on all unpaved areas and areas not covered by permanent structures.

GRADING - Excavation or fill of material, including the resulting conditions thereof.

LAND DISTURBANCE ACTIVITY - Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 25,000 square feet, or activities disturbing less than 25,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

LICENSED PROFESSIONAL - A person currently licensed to practice engineering in New York State or a registered landscape architect.

NEW YORK STATE STORMWATER MANAGEMENT DESIGN MANUAL - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates that serves as the official guide for stormwater management principles, methods and practices.

NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL - the most recent version of this publication which is commonly known as the "Blue Book".

PHASING - Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

QUALIFIED PROFESSIONAL - A person knowledgeable in the principles and practices of erosion and sediment controls, such as a licensed professional engineer or a registered landscape architect.

RESPONSIBLE INDIVIDUAL - As related to inspection of construction site erosion controls, any person with an in-depth understanding of the principles and practices of erosion and sediment control, stormwater management and the proper procedures and techniques for the installation and maintenance of erosion and sediment control features.

SEDIMENT CONTROL - Measures that prevent eroded sediment from leaving the site.

SILVICULTURAL ACTIVITY - Activities that control the establishment, growth, composition, health and quality of forests and woodlands.

SITE - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE PLAN APPROVAL - The examination and subsequent authorization to proceed with a project based upon a drawing prepared to specifications and containing necessary elements, which show the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards.

STABILIZATION - The use of practices that prevent exposed soil from eroding.

START OF CONSTRUCTION - The first land disturbance activity associated with a development, including: land preparation such as clearing, grading and filling; installation of streets and walkways; excavation for basements, footings, piers or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

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STORMWATER MANAGEMENT - The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER MANAGEMENT OFFICER – The Manager of Plan Review and Building Inspections shall be the Stormwater Management Officer for all work outside the right of way and the City Engineer shall be the Stormwater Management Officer for all work within the right of way. The Stormwater Management Officer shall accept and review stormwater pollution prevention plans and inspect stormwater management practices.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - The flow on the surface of the ground, resulting from precipitation.

SURFACE WATERS OF THE STATE OF NEW YORK - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

WATERWAY - A channel that directs surface runoff to a watercourse, or to the public storm drain.

Section 39-422. Applicability.

This Part shall be applicable to all land disturbance activities that will disturb $\geq 25,000$ square feet of land unless exempted under Section 39-426. This Part also applies to land disturbance activities that are $< 25,000$ square feet disturbance if such activities are part of a larger common plan of development or sale that will disturb $\geq 25,000$ square feet, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

Section 39-423. Compatibility with other permits and requirements.

Compliance with this Part does not relieve the applicant of the obligation and responsibility to obtain separate coverage under the NYSDEC SPDES General Permit for Construction Activities if required. For projects also applying for coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, the applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP), a Notice of Intent (NOI) with a certification statement including the date demonstrating submission to the NYSDEC, a letter of permission from the NYSDEC granting approval to disturb five (5) acres or greater of land at one time (if applicable) and any related documents to the Stormwater Management Officer for review and approval.

The requirements of this Part should be considered minimum requirements and where any provision of this Part imposes restrictions different from those imposed by any other federal, state, or local law, rule or regulation, or other provision of law, the provisions that are more restrictive or impose more stringent requirements shall take precedence.

Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or articles such as Part III; *Design and Management of Post-Construction Stormwater Pollution Prevention Measures*.

Section 39-424. Standards for construction activities covered under this Part.

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The City of Rochester requires the use of technical standards for erosion and sediment controls. These are detailed in the *New York State Department of Environmental Conservation's Standards and Specifications for Erosion and Sediment Control*. For the design of water quality and water quantity controls (post-construction stormwater runoff control practices), the NYSDEC's technical standards are detailed in the *New York State Stormwater Management Design Manual*.

Where stormwater management practices are not in accordance with the aforementioned technical standards, the applicant or developer must demonstrate equivalence to these technical standards and the SWPPP shall be prepared by a licensed/certified professional.

Section 39-425. Land disturbance activity approval process.

A. Requirements of application.

- (1) Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of $\geq 25,000$ square feet of land shall also include with a submission a SWPPP that shall be reviewed and approved by the City of Rochester prior to issuance of the final site plan approval or a permit.
- (2) No applicant shall be granted site plan approval or a permit which would require the disturbance of $\geq 25,000$ square feet of land without the review and approval of a SWPPP by the City of Rochester.
- (3) Furthermore, prior to the issuance of a permit or site plan approval all projects that would result in the disturbance of $\geq 25,000$ square feet of land will be required to comply with all applicable provisions of Part III; *Design and Management of Post-Construction Stormwater Pollution Prevention Measures*. As part of the SWPPP the applicant shall include a signed statement that all applicable requirements of Part III; *Design and Management of Post-Construction Stormwater Pollution Prevention Measures* have been met to the satisfaction of the City of Rochester.
- (4) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee as set forth in Section 39-406B.
- (5) Each application shall include a comprehensive and complete SWPPP that shall be prepared in accordance with Section 39-428.
- (6) Each application shall include a statement that any land clearing, construction, or development involving the movement of land shall be in accordance with the submitted SWPPP.
- (7) All land disturbance activities as defined in Section 39-421 not subject to site plan or permit approval shall be required to submit a SWPPP to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this Part.

B. Exemptions. The following activities are exempt from review under this Part:

- (1) Any emergency activity which is immediately necessary for the protection of public health, property or natural resources.
- (2) Agricultural activity as defined in this Part.
- (3) Silvicultural activity except that landing areas and log haul roads are subject to this Part.

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- (4) Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
- (5) Repairs to any stormwater treatment practice deemed necessary by the City of Rochester.

Section 39-426. Financial guarantees.

The City of Rochester may, at its discretion, require the applicant to submit a financial guarantee in a form acceptable to the City of Rochester prior to issuance of site plan approval or a permit in order to insure that the stormwater pollution prevention and erosion and sediment control practices are implemented and maintained by the applicant as required by the approved SWPPP. The amount of the financial guarantee shall be the total estimated construction cost of the stormwater pollution prevention and erosion and sediment control practices approved, plus a contingency. The financial guarantee shall contain forfeiture provisions for failure to complete work specified in the SWPPP. The financial guarantee shall be released in full only upon satisfaction of the requirements listed in Section 39-429. At its discretion, the City of Rochester may allow for a partial release of the financial guarantee based on the completion of various development stages.

Section 39-427. Stormwater Pollution Prevention Plan Requirements.

- A. The Stormwater Management Officer shall accept and review all SWPPPs. A consultant cannot be appointed as a Stormwater Management Officer. The Stormwater Management Officer may review the plans or accept the certification of a licensed professional that the plans conform to the requirements of this Part.
- B. Prior to final approval of a land disturbance activity, a SWPPP shall be prepared by the applicant in accordance with the specifications outlined by the City of Rochester and submitted to the Stormwater Management Officer designated by the City of Rochester for review. This plan must be prepared in accordance with sound engineering practices by a qualified professional as defined in 39-501. The final plan must be signed by a New York State licensed professional engineer (PE), who will certify that the design of all stormwater pollution prevention and erosion and sediment control practices meet the requirements outlined in the City of Rochester design criteria and the *New York Standards and Specifications for Erosion and Sediment Control* and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Rochester.
- C. The requirements to have a SWPPP prepared by a qualified professional and to have the final plan signed and certified by a New York State licensed professional engineer (PE) are not applicable to land disturbance activities that meet technical standards and are five (5) acres or less occurring on a single family residence, which is not part of a larger common plan of development, or an agricultural property. In addition, these land disturbance activities must not discharge directly to a 303(d) impaired waterbody or must not be located in a Total Maximum Daily Load (TMDL) watershed.
- D. Minimum Requirements; All SWPPPs shall provide the following background information and erosion and sediment controls:
 - (1) Background information about the scope of the project, including location, type and size of project and contact Information that includes the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the subject property or properties.
 - (2) Site map/construction drawing(s) for the project, including a general location map and a 1" = 50' topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s) including receiving waters (name of the water), streams, ponds, culverts, ditches, and wetlands as well as drainage patterns

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that could be affected by the construction activity; existing and final slopes; locations of utilities, roads, soils types, forest cover, and significant natural and manmade features not otherwise shown; locations of off-site material, waste, borrow or equipment storage areas, proposed concrete clean out basin(s) and construction entrance; and location(s) of the stormwater discharges(s); and resources protected under other chapters of this code or by easements.

- (3) Description of the soil(s) present at the site.
- (4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation, final grading and landscaping, and any other activity at the site that results in soil disturbance. Sequencing shall identify the expected date on which clearing will begin and the estimated duration of exposure of cleared areas. Consistent with the *New York State Standards and Specifications for Erosion and Sediment Control*, not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP and a letter of permission from the NYSDEC.
- (5) A description of the pollution prevention measures that will be used to control litter and prevent construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges; a description of construction and waste materials expected to be stored on-site with updates as appropriate; a description of controls that will be implemented to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater; and a description of spill prevention and response measures.
- (6) A description of the temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land disturbance to project closeout, including who will be responsible for the maintenance and implementation of said features at the site and what practices will be employed to ensure that adequate vegetative cover is established and preserved. For temporary and permanent vegetative control measures, the seeding mixtures and rates, types of sod, method of seedbed preparation, depth of topsoil, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching shall be provided.
- (7) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice.
- (8) Illustration of all necessary erosion and sediment control measures, including the siting and sizing of any temporary sediment basins and provide the dimensions, material specifications and installation details for each throughout all phases of construction and completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
- (9) Identification of all temporary practices that will be converted to permanent control measures.
- (10) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.
- (11) Identification of the parts or components of the SWPPP that require maintenance. Furthermore it shall also provide a schedule of required maintenance and identify the party responsible for such work.

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- (12) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable.
- (13) Any existing data that describes the stormwater runoff at the site.
- (14) Assurance that all other applicable environmental permits have been acquired for the site prior to initial land disturbance. Copies of the applicable environmental permits shall be provided to the City of Rochester.
- (15) Assurance that the applicant or their "Responsible Individual" shall be on site at all times when earthwork takes place and shall inspect and document the effectiveness of all erosion and sediment control practices.
- (16) Assurance that all contractors and subcontractors involved in soil disturbance and/or stormwater management practice installation and maintenance shall be identified in the SWPPP. All such contractors and subcontractors shall sign a copy of the following certification statement before undertaking any land disturbance activity at the site:

"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the SWPPP. I also understand that it is unlawful for any person to cause or contribute to a violation of the water quality standards."

The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. The certification statement must be included in the SWPPP.

E. Modifications to the Plan after approval.

- (1) Major amendments of the SWPPP shall be submitted to the City of Rochester and shall be approved or disapproved. The applicant shall amend the SWPPP whenever:
 - (a) There is a significant change in design, construction, operation, or maintenance which may have a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not otherwise been addressed in the SWPPP; or
 - (b) The SWPPP proves to be ineffective in providing the proper stormwater pollution prevention and erosion and sediment control as required by this Part. Amendments to the SWPPP may be reviewed by the City of Rochester. A copy of the newly amended SWPPP must be provided to the City of Rochester within 5 business days.
- (2) Additionally, the SWPPP shall be amended to identify any new contractor or subcontractor that will implement any measure of the SWPPP. The City of Rochester may request copies of signed contractor certification statements from new contractors/subcontractors working on the site.
- (3) Field modifications of a minor nature may be authorized by the City of Rochester by written authorization to the applicant.

Section 39-428. Inspections.

A. City of Rochester inspections.

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- (1) The City of Rochester or designated agent as defined in Section 39-421 shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the applicant that the work fails to comply with the SWPPP. In addition, the City of Rochester may enter the work site at any reasonable time for purposes of inspection. The SWPPP and the records of any inspections completed by the owner or their agent shall be maintained at the site in the site logbook from the date of initiation of construction activities to the date of final stabilization. To obtain inspections, the applicant shall notify the City of Rochester at least forty-eight (48) hours before the following activities occur:
 - (a) Start of construction.
 - (b) Erosion and sediment control measures have been installed and stabilized.
 - (c) Site clearing has been completed.
 - (d) Rough grading has been completed.
 - (e) Final grading has been completed.
 - (f) Close of the construction season.
 - (g) Final landscaping.
 - (h) Closeout inspection.
- (2) The above inspection timetable does NOT relieve the owner of the obligation under this or any other permit or regulation to conduct regular inspections as set forth in said permit and/or regulation.
- (3) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further earthwork shall be conducted on the site, except for site stabilization until the violations are corrected and approved by the City of Rochester.

B. Property owner/developer inspections.

- (1) The applicant shall employ a "Responsible Individual" as defined in Section 39-501 who will oversee the implementation of the SWPPP on a daily basis. The "Responsible Individual" shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection reports will be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to the City of Rochester within 5 days after the month's end.
- (2) The requirement to employ a qualified professional to inspect and document the effectiveness of all erosion and sediment control practices is not applicable to land disturbance activities five (5) acres or less occurring on a single family residence, which is not part of a larger common plan of development or on an agricultural property. In addition, these land disturbance activities must not discharge directly to a 303(d) impaired waterbody or must not be located in a Total Maximum Daily Load (TMDL) watershed.

Section 39-429. Duration, maintenance and closeout.

A. Duration.

- (1) For a project that requires a NYSDEC SPDES Permit, the SWPPP approved by the City of Rochester shall be in effect until the site has been finally stabilized, a Notice of Termination (N.O.T) is submitted to the NYSDEC in accordance with the general permit and a final inspection has been completed by the City of Rochester.

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- (2) For projects that do not require a NYSDEC N.O.T., the SWPPP is in effect until a final inspection is conducted and the City of Rochester has issued the applicant written approval.

B. Maintenance.

- (1) The applicant shall at all times properly operate and maintain all stormwater management facilities and erosion and sediment control measures which are installed or used by the applicant to achieve compliance with the conditions of this Part. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent. The land disturbance activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.
- (2) At the end of the construction season when soil disturbance activities will be finalized or suspended until the following spring, it may be desirable to reduce the frequency of the required weekly site inspections to monthly inspections. In order to reduce inspection frequencies, the applicant must complete stabilization activities before proper installation is precluded by snow cover or frozen ground. If vegetation is used as a stabilization method, seeding, planting, and/or sodding must be scheduled to avoid fall frosts and to allow for proper germination/establishment. Installations and maintenance must be done according to the *New York State Standards and Specifications for Erosion and Sediment Control*.

C. Closeout. The applicant must satisfy the following project closeout requirements:

- (1) Reestablish grade of all permanent stormwater facilities.
- (2) Inspect grading of all drainage structures and provide elevation as-builts to the City of Rochester.
- (3) Establish perennial vegetative cover to a density of eighty (80) percent over one hundred (100) percent of the site.
- (4) Removal of all debris and temporary erosion and sediment control practices.
- (5) Provide a written certification by a New York State licensed/certified professional that the site has undergone final stabilization (as defined in Section 39-421) and that all temporary erosion and sediment controls not needed for long-term erosion control have been removed.
- (6) Complete any other measure deemed appropriate and necessary by the City of Rochester to stabilize the project site.

Section 39-430. Violations.

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Part. Violations of this Part II of Article IV of Chapter 39 shall be considered high violations for purposes of the penalties set forth in Subsection 13A-11D of the Municipal Code.

Part III

Design and Management of Post-Construction Stormwater Pollution Prevention Measures

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|-----------------|--|
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Section 39-440. Introduction/Purpose.

Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

The purpose of this Part is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the watersheds within the City of Rochester. Therefore, the City of Rochester establishes this set of water quality and quantity policies to provide reasonable guidance for the regulation of stormwater runoff and to, in addition to the above, safeguard persons, protect property, prevent damage to the environment in City of Rochester, and comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer systems (MS4s), for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

Section 39-441. Definitions.

As used in this Part, the following terms shall have the meanings indicated:

AGRICULTURAL ACTIVITY - The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

APPLICANT - A property owner or agent of a property owner who has filed an application for a stormwater management permit.

CHANNEL - A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

DEDICATION - The deliberate appropriation of property by its owner for general public use.

DESIGNATED AGENT - Individual(s) directed by the City of Rochester to conduct site inspections and/or perform other municipal duties.

EROSION CONTROL - Measures that minimize erosion.

FEE IN LIEU - A payment of money in place of meeting all or part of the stormwater performance standards required by this Part.

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HOTSPOT - An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

IMPERVIOUS COVER - Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INFILTRATION - The process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DISTURBANCE ACTIVITY - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 25,000 square feet, or activities disturbing less than 25,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land disturbance activities may take place at different times on different schedules.

LANDOWNER - The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LETTER OF CREDIT - A document issued by a bank which guarantees the payment of a customer's drafts for a specified period and up to a specified amount.

LICENSED PROFESSIONAL - A person currently licensed to practice engineering in New York State or a New York State registered landscape architect.

MAINTENANCE AGREEMENT - A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

NEW YORK STATE STORMWATER MANAGEMENT DESIGN MANUAL - the most recent version of the *New York State Stormwater Management Design Manual*, including applicable updates that serve as the official guide for stormwater management principles, methods and practices.

NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL - The most recent version of this publication which is commonly known as the "Blue Book".

OFF-SITE FACILITY - A stormwater management measure located outside the subject property boundary.

PERFORMANCE BOND - A bond underwritten by a surety in the contract amount to guarantee that the contractor will perform the required work according to the contract specifications.

QUALIFIED PROFESSIONAL - A person knowledgeable in the principles and practices of erosion and sediment controls, such as a New York State licensed professional engineer or registered landscape architect.

RESPONSIBLE INDIVIDUAL - As related to inspection of construction site erosion controls, any person with an in-depth understanding of the principles and practices of erosion and sediment control, stormwater management and the proper procedures and techniques for the installation and maintenance of erosion and sediment control features.

RECHARGE - The replenishment of underground water reserves.

REDEVELOPMENT - Reconstruction or modification to any existing previously developed land such as residential, commercial, industrial, institutional or road/highway, which involves soil disturbance. Redevelopment is distinguished from development or new development in that new development refers to

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construction on land where there had not been previous construction. Redevelopment specifically applies to construction areas with impervious surface.

SILVICULTURAL ACTIVITY - Activities that control the establishment, growth, composition, health and quality of forests and woodlands.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) - A nationally approved program with permits issued in accordance with the Environmental Conservation Law that authorizes stormwater discharges from certain construction activities to waters of the United States.

STOP WORK ORDER - An order issued which requires that all construction activity on a site be stopped.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) - A plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

STORMWATER RUNOFF - Flow on the surface of the ground, resulting from precipitation.

STORMWATER TREATMENT PRACTICES - Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

WATER QUALITY STANDARD VIOLATION - An increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

WATERWAY - A channel that directs surface runoff to a watercourse or to the public storm drain.

WETLAND - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section 39-442. Applicability.

- A. This Part shall be applicable to land disturbance activities as defined in Section 39-441 and those activities meeting Condition (1), (2), (3) or (4) below shall include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 39-447 as applicable unless eligible for an exemption or granted a waiver by the City of Rochester in accordance with Section 39-445:
- (1) Stormwater runoff from land disturbance activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.
 - (2) Stormwater runoff from land disturbance activities disturbing five (5) or more acres.
 - (3) Stormwater runoff from land disturbance activity disturbing between 25,000 square feet and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.
 - (4) Stormwater runoff from land disturbance activity that are smaller than 25,000 square feet disturbance if such activities are part of a larger common plan of development, even though

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multiple separate and distinct land disturbance activities may take place at different times on different schedules.

- B. All plans, documents and information required by this Part must be reviewed by the City of Rochester to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.
- C. When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 39-441, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current *New York State Stormwater Management Design Manual*. Final authorization of all redevelopment projects will be determined after a review by the City of Rochester. This applies to all redevelopment projects that are greater than or equal to 25,000 square feet.
- D. The following activities may be exempt from the requirements of this Part:
 - (1) Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
 - (2) Agricultural activity as defined in this Part.
 - (3) Silvicultural activity except that landing areas and log haul roads are subject to this Article.
 - (4) Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
 - (5) Repairs to any stormwater treatment practice deemed necessary by the City of Rochester.

Section 39-443. Compatibility with other permits and requirements.

- A. This Part is not intended to interfere with, abrogate, or annul any other article, rule or regulation, stature, or other provision of law. The requirements of this Part should be considered minimum requirements, and where any provision of this Part imposes restrictions different from those imposed by any other Article, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health and/or the environment shall be considered to take precedence.
- B. Construction activities that involve land disturbance may also require additional compliance measures detailed in other regulations and/or articles.

Section 39-444. Compliance

- A. No person shall receive any of the building, grading or other land disturbance approvals or permits required for land disturbance activities without first meeting the requirements of this Part to the satisfaction of the City of Rochester.
- B. Unless specifically excluded by this Part, any landowner or operator desiring approval or a permit for a land disturbance activity shall comply with all applicable provisions of this Part and shall submit all required plans, documentation and information as required under this Part to the City of Rochester for review and approval.
- C. Unless otherwise excepted by this Part, the following items shall be submitted prior to the issuance of a permit or site plan approval:
 - (1) Stormwater Pollution Prevention Plan (SWPPP) (See Section 39-448).

- (2) Maintenance Easement(s) (See Section 39-449).
- (3) Maintenance Agreement(s) (See Section 39-449).
- (4) Any Applicable Fees (See Section 39-450).
- (5) The SWPPP shall be prepared to meet the requirements of Section 39-447 through Section 39-449. The Maintenance Agreement shall be prepared to meet the requirements of Section 39-449, and applicable fees shall be those as set forth in Section 39-450.
- (6) The SWPPP and all other documents required by this Part must be reviewed by the City of Rochester to ensure that established water quality standards will be maintained after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans. Information shall be submitted as a single, logical package, with all information bound together.

Section 39-445. Waivers and mitigation requirements.

- A. All persons shall comply with the requirements of this Part, unless a written request is filed to waive the requirements in part or whole for land disturbance activities that disturb less than one acre of land. Requests to waive any requirements of this Part shall be submitted to the City of Rochester for approval.
- B. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
 - (1) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this Part.
 - (2) Alternative minimum requirements for on-site management of stormwater discharges have been established in a Stormwater Pollution Prevention Plan that has been approved by the City of Rochester and the implementation of the plan is required. These practices are encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non- structural practices are explained in detail in the manual, *Better Site Design: A Handbook for Changing Development Rules in Your Community*. Applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.
 - (3) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
 - (4) The City of Rochester finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
 - (5) Non-structural practices will be used on the site that reduce: (a) the generation of stormwater from the site, (b) the size and cost of stormwater storage and (c) the pollutants generated at the site.
- C. In instances where one of the conditions above applies, the City of Rochester may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must

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demonstrate to the satisfaction of the City of Rochester that the variance will not result in the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures;
- (2) Degradation of biological functions or habitat;
- (3) Accelerated stream bank or stream bed erosion or siltation;
- (4) Increased threat of flood damage to public health, life, property.

D. Furthermore, where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the City of Rochester. Mitigation measures may include, but are not limited to, the following:

- (1) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation (Dedication or Easement of Land, see Section 39-446 A). These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat,
- (2) The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this Part,
- (3) Monetary contributions (Fee in Lieu-Of, see Section 39-446 A) to a dedicated fund for stormwater management activities.

E. No waivers or mitigation plans will be considered for land disturbance activity that disturbs one (1) acre or greater of land.

Section 39-446. Fee in lieu-of and dedication or easement of land.

- A. Where the City of Rochester waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the City of Rochester. All monetary contributions shall be made to a dedicated fund for stormwater management activities. The fee structure shall be based on the cubic feet of storage required for stormwater management of the development in question. All of the monetary contributions shall be made by the applicant prior to the issuance of any permit or approval for the development.
- B. In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with the City of Rochester for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and the City of Rochester prior to the recording of plats or, if no record plat is required, prior to the issuance of the permit.

Section 39-447. General design and performance criteria for stormwater management.

- A. The applicant shall consult the *New York State Stormwater Management Design Manual* and the *New York Standards and Specifications for Erosion and Sediment Control* for standards and specifications related to stormwater management design criteria. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law. If there is a conflict between any of the

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standards, the more stringent standard shall apply. Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in this section and Section 39-448 and the SWPPP shall be prepared by a licensed professional.

B. The following design and performance criteria shall be addressed for stormwater management at all sites:

- (1) All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity.
- (2) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City of Rochester. In no case shall the impact on functional values be any greater than that allowed by the Army Corp of Engineers (C.O.E) or the NYSDEC responsible for natural resources.
- (3) An attempt shall be made to maintain annual groundwater recharge rates, by promoting infiltration through the use of structural and non-structural methods. At a minimum, an attempt shall be made for annual recharge from the post development site to mimic the annual recharge from pre-development site conditions.
- (4) In order to protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the *New York State Stormwater Management Design Manual*.
- (5) Stormwater discharges to critical areas with sensitive resources may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- (6) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural stormwater treatment practices and pollution prevention practices.
- (7) Prior to design, applicants are required to consult with the City of Rochester to determine if they are subject to additional stormwater design requirements.
- (8) The calculations for determining peak flows (WQv) as found in the *New York State Stormwater Management Design Manual* shall be used for sizing all stormwater management practices.

Section 39-448. Stormwater Pollution Prevention Plan Requirements.

- A. A SWPPP is required as part of the compliance with this Part. This Plan must be prepared by a qualified professional and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices and shall also include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The Plan must be signed by a New York State licensed professional engineer (PE), who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the *New York State Stormwater*

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Management Design Manual. No building or grading permit or site plan approval shall be issued until a satisfactory Stormwater Pollution Prevention Plan, or a waiver thereof, has undergone a review and been approved by the City of Rochester after determining that the Plan or waiver is consistent with the requirements of this Part.

- B. The applicant shall employ a "Responsible Individual" as defined in Section 39-441 who will oversee the implementation of the SWPPP on a daily basis. The applicant shall also employ the services of a qualified professional in erosion and sediment control who will inspect and document the effectiveness of all erosion and sediment control practices. The documentation will be kept in a site logbook. Inspection reports will be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. A monthly summary of reports will be copied to the site logbook and delivered to City of Rochester within 5 days after the month's end.
- C. All SWPPPs shall provide the following information:
- (1) All information listed in Section 39-448; *Construction Site Stormwater Pollution Prevention and Erosion and Sediment Control*.
 - (2) Description of each post-construction stormwater management practice.
 - (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses. A written description of the site plan and justification of proposed changes in natural conditions may also be required.
 - (4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms including calculations such as a description of the design storm frequency, intensity and duration; time of concentration; Soil Curve Numbers or runoff coefficients; peak runoff rates and total runoff volumes for each watershed area; infiltration rates, where applicable; culvert capacities; flow velocities; data on the increase in rate and volume of runoff for the design storms referenced in the *New York State Stormwater Management Design Manual*, and documentation of sources for all computation methods and field test results.
 - (5) Comparison of post-development stormwater runoff conditions with pre-development conditions;
 - (6) Dimensions, material specifications and installation details for each post-construction stormwater management practice.
 - (7) The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures including a schedule to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the Plan.
 - (8) The applicant must ensure access to all stormwater treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property. See Section 39-449 for additional information.
 - (9) The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by the on-site stormwater management

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measure(s) in accordance with the specifications of this Part. See Section 39-449 for additional information.

- (10) The SWPPP shall be prepared by a qualified professional and the final Plan must be signed by a New York State licensed professional engineer, who shall certify that the design of all stormwater management practices meet the requirements in this Part.
- (11) A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- (12) The City of Rochester may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.
- (13) The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil and water conservation district and in compliance with landscaping specifications outlined in the *New York State Stormwater Management Design Manual*.
- (14) The applicant shall assure that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater design plan.

Section 39-449. Maintenance of stormwater management facilities.

- A. Maintenance Easement. The applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City of Rochester, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Part and to if necessary implement emergency repairs to protect the health, safety and welfare of the public. The easement dimensions shall be as directed by the City of Rochester and the easement agreement shall be recorded in the office of the County Clerk, with a copy provided to the City of Rochester.
- B. Maintenance after construction. The owner or operator of permanent stormwater management practices installed in accordance with this Part shall ensure they are operated and maintained to achieve the goals of this Part. Proper operation and maintenance also includes as a minimum, the following:
 - (1) A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this Part.
 - (2) Written procedures for operation and maintenance and training new maintenance personnel.
 - (3) Discharges from the stormwater management practices shall not exceed design criteria or cause or contribute to a Water Quality Standard Violation.
- C. Maintenance agreements.

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- (1) The maintenance and proper operation of all privately owned stormwater management facilities, including nonstructural practices, shall be ensured through the creation of a formal and enforceable maintenance agreement that must be approved by the City of Rochester and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. This agreement will include any and all maintenance easements required to access and inspect the stormwater management practices, and will outline the procedures and schedule to be followed to perform routine maintenance as necessary to ensure proper functioning of the stormwater management practice. In addition, the legally binding agreement shall identify the parties responsible for the proper maintenance of all stormwater treatment practices and include plans for periodic inspections by the owners, or their designated agent, to ensure proper performance of the facility. The maintenance agreement shall be consistent with the terms and conditions of the "Stormwater Control Facility Maintenance Agreement".
- (2) The City of Rochester, in lieu of a maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Part and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

- D. Requirements of maintenance agreements. All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs to ensure compliance with the requirements of this Part and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be identified in writing, along with the schedule and methods to be employed to complete the maintenance. The maintenance repairs and restoration schedule are to be approved by the City of Rochester prior to commencing the work and the City of Rochester shall inspect the facility upon completion of the work. The inspection and maintenance requirement may be increased by the City of Rochester as deemed necessary to ensure proper functioning of the stormwater management facility.
- E. Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the City of Rochester during inspection of the facility and at other reasonable times upon request.
- F. Maintenance guarantees for privately owned stormwater facilities. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the applicant or by a corporation that owns or manages a commercial or industrial facility, the applicant, prior to construction, may be required to provide the City of Rochester with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the City of Rochester acknowledges compliance with all details of approved site plan. If the applicant or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the City of Rochester may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs, until the City of Rochester acknowledges compliance with all details of approved site plan.

Section 39-450. Inspection and right of entry.

- A. The City of Rochester or designated agent shall make inspections at any reasonable time for purposes of inspecting the construction of the stormwater management facilities. Inspections may include but are not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of

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businesses or industries of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. The applicant must notify the City of Rochester in advance before the commencement of construction. If any violations are found, the property owner shall be notified of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the City of Rochester.

- B. Furthermore, when any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, or combined sewer, the property owner shall grant to the City of Rochester the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Part is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Part.

Section 39-451. As-built plans and project closeout.

All applicants are required to submit actual "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a New York State licensed professional engineer. A final inspection by the City of Rochester is required before the release of any performance securities can occur.

Section 39-452. Landscape alterations.

All applicants are responsible for maintaining the grading of the site so that it is consistent with the certified "as-built" plans. Any post-construction alterations to the landscape shall receive prior approval from the City of Rochester. Temporary landscape alterations, such as those associated with utility excavations and landscaping activities must be restored to conditions that are consistent with the certified "as-built" plans.

Section 39-453. Violations.

No person shall commence or conduct any development activity that is contrary to this Part, or alter or fail to maintain Stormwater Pollution Prevention Measures required by this Part. Violations of this Part III of Article IV of Chapter 39 shall be considered high violations for purposes of the penalties set forth in Subsection 13A-11D of the Municipal Code.

Section 39-454. Performance bond/security.

The City of Rochester may, at its discretion, require the submittal of a performance security or bond prior to approval in order to insure that the stormwater practices are installed as required by the approved Stormwater Pollution Prevention Plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved by the City of Rochester, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the Stormwater Pollution Prevention Plan. The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a New York State licensed professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this Part. The City of Rochester will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this Part. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the City of Rochester.

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Section 2. Section 39-407 of the Municipal Code, Permit application materials, as amended, is hereby further amended by adding thereto a new subsection C(7) to read in its entirety as follows:

- (7) Any applicant requesting site plan approval or a permit for land disturbance activity which would require the disturbance of $\geq 25,000$ square feet of land shall also include with a submission a Stormwater Pollution Prevention Plan (SWPPP) that shall be reviewed and approved by the City of Rochester prior to issuance of the final site plan approval or a permit.

Section 3. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-205

Re: Amendatory Agreement - River Street
Marine, Operation of the Riverfront
Marina

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with River Street Marine (Principal, Steve Gibbs). The original agreement, authorized in January 2006, provides the terms for the license, operation, and management of the public waterfront facilities on the west bank of the Genesee River between Latta Road and Petten Street.

The waterfront facilities, part of the overall Port of Rochester Improvement Project, were, in large part, completed in 2006, and include public docking/boating facilities and a public promenade that connects to the Genesee Riverway Trail. The Riverfront Marina includes 112 boat slips; a pump out station; a boater building with restrooms, showers, laundry room, lockers, and a small office; and parking facilities which serve both the boaters and trail users. Proposed improvements will add a two lane boat launch at Petten Street, an at-grade pedestrian crossing over the rail line at Latta Road, and additional bathroom facilities at the south end of the facility near Petten Street.

The following changes to the agreement are recommended based on the experience of three full seasons of operating the marina:

- Add one additional five-year renewal, increasing the total term to 20 years. The lease amount for the additional five year period will be established by an independent appraisal to be completed no earlier than six months prior to the beginning of the additional renewal period, and submitted to Councilmembers;
- Increase the threshold (Base Amount) at which the 15% surcharge on the operator's revenues applies, from \$100,000 to \$200,000;
- Eliminate the requirement to reserve slips for transient docking; and
- Eliminate the requirement for an annual payment of \$5,000 to be held in escrow as a dredging reserve fund.

Security requirements, initially estimated to be minimal, now exceed \$30,000 per year, primarily due to heavy public use of the promenade. Ample transient docking exists in the immediate vicinity; eliminating the requirement for the reservation of slips for transient boaters will provide additional marina income. Also, it has been determined that it is more efficient and cost effective for the City to coordinate all dredging at the port with the US Army Corps of Engineers.

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These changes will facilitate the viability of the project and will not affect the recovery of the City's capital investment.

All other terms of the agreement will remain the same.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-205
(Int. No. 246)

Authorizing An Amendatory Agreement For The Operation Of
Public Waterfront Facilities

WHEREAS, the City has received a proposal to enter into an amendatory agreement with River Street Marine, LLC for the licensing, operation and maintenance of public waterfront facilities which have been constructed along the west bank of the Genesee River between Latta Road and Petten Street as a part of the Port of Rochester River Street Riverfront Project for an additional renewal term of five years; and

WHEREAS, due to the length of the proposed license, the Council shall receive an independent appraisal of the value of the license before the commencement of the additional renewal term and shall approve the amount to be paid to the City for the license; and

WHEREAS, the Council affirmatively finds that the terms of the proposed amendment and payment are satisfactory and the proposed license is in the public interest, as the public benefit to be derived from the license is the continued operation and maintenance of these important public waterfront facilities.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with River Street Marine, LLC for the licensing, operation and maintenance of public waterfront facilities which have been constructed along the west bank of the Genesee River between Latta Road and Petten Street as a part of the Port of Rochester River Street Riverfront Project. The amendatory agreement shall add an additional renewal term of five years. The Council shall receive an independent appraisal of the value of the license before the commencement of the additional renewal term and shall approve the amount to be paid to the City for the license. The amendatory agreement shall also change the base amount above which River Street Marine is required to pay an additional 15% of the annual gross revenue from \$100,000 to \$200,000. The operator shall not be required to reserve boat slips for transient docking and the amount of \$5,000 shall no longer be held in escrow for dredging costs.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Introductory No. 219
 Authorizing a Traffic Flow Change -
 Dayton Street Westbound One-way

June 16, 2009

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Dayton Street between Hudson Avenue and Bauman Street from two-way traffic to one-way westbound traffic.

The Dayton Street westbound one-way is requested by residents of the street as a crime prevention and quality of life measure. The westbound one-way was endorsed by the City's Traffic Control Board at its May 19, 2009 meeting.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 219

CHANGING THE TRAFFIC FLOW OF DAYTON STREET FROM
TWO-WAY TO ONE-WAY WESTBOUND

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a change in the traffic flow of Dayton Street between Hudson Avenue and Bauman Street from two-way to one-way westbound.

Section 2. This ordinance shall take effect immediately.

Held in committee

By Councilmember Miller
June 16, 2009

To the Council:

The Economic Development & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 220 - Approving The 2009-10 Operating And Capital Budgets Of The Cultural Center Commission

Int. No. 221 - Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows

Int. No. 222 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Centers

Int. No. 223 - Approving Business Programs

The Economic Development & The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 224 - Authorizing Amendatory 1996-97, 2000-01, 2005-06 And 2006-07 Community Development Program Plans And Authorizing Agreements For The ED Financial Assistance Loan & Grant Program

June 16, 2009

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
William F. Pritchard
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-206
Re: Cultural Center Commission -
2009-10 Budget

Transmitted herewith for your approval is legislation approving and appropriating the budgets of the Cultural Center Commission for the period of July 1, 2009 through June 30, 2010 in the amount of \$441,589; and authorizing the Commission to approve, during this period, the transfer of capital budget appropriations not exceeding \$10,000.

The proposed operating and capital budgets summarized below were approved by the Commission on May 12, 2009. They have been reviewed by the Budget Bureau of the City and Office of Management and Budget of Monroe County.

		<u>2009-10</u>	<u>2008-09</u>
Operating:	Salaries	\$ 37,282	\$ 44,655
	Fringe benefits	30,356	21,558
	Office supplies/equipment	100	100
	Telephone and postage	1,300	1,300
	Printing and advertising	500	500
	Training and meeting	500	500
	Professional service	10,000	10,000
	Marketing	1,000	1,000
	Contingency	<u>500</u>	<u>500</u>
	Total	\$81,538	\$80,113
Capital:	Development	\$128,823	\$199,787
	Streets/open space	218,728	218,385
	Administration	81,538	80,113
	Annual audit	<u>12,500</u>	<u>11,900</u>
	Total	\$441,589	\$510,185

Any funds not utilized during the 2009-10 fiscal year will be re-appropriated for the 2010-11 budget.

The authorization for the Commission to approve minor capital transfers is designed to facilitate operations. Similar authorization was approved by the Council in June 2008. The Commission authority to approve similar transfers of operational appropriations was authorized in 1981. The budgets will be considered by the Monroe County Legislature at their June meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-206

June 16, 2009

(Int. No. 220)

Approving The 2009-10 Operating And Capital Budgets Of The
Cultural Center Commission

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the 2009-10 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 3 of 2009. The Council specifically authorizes the Cultural Center Commission to transfer funds within the Cultural Center Commission Capital Account in an amount not to exceed \$10,000 during the fiscal year. The Commissioner of Neighborhood and Business Development of the City of Rochester is further authorized to transfer unencumbered funds in the Operating Budget from one account to another in accordance with the financial and budgetary practices of the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-207
Re: Agreements - Wintek and Young
Explosives, Laser Shows and
Fireworks

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements related to the High Falls laser shows, as follows:

1. \$80,000 for an agreement with Greg J. Winter, d/b/a Wintek, to provide laser shows July 2, 2009-June 30, 2010. Wintek will provide the Genesee River Gorge shows at a cost of \$18,000, and maintenance of City-owned laser equipment at a cost of \$62,000; and
2. \$35,000 for an agreement with Young Explosives Corporation (James Young, President) for aerial fireworks and pyrotechnic displays to accompany the High Falls laser shows.

The cost of both agreements will be funded from the 2009-10 Budget of the Bureau of Communications.

A total of 46 laser shows, accompanied by fireworks and pyrotechnics, are scheduled for Thursdays, Fridays, and Saturdays July 2 through September 5 (with the exception of July 4 when a large, independent fireworks celebration will occur), and for River Romance, December holidays, and Memorial Day weekend. A projected schedule is attached. Attendance for 2008 was estimated at 41,500. There are also occasional sponsor-requested laser shows, with costs offset by revenue from sponsors through the Rochester Events Network Trust Fund.

The laser show itself is now owned by the City, and is operated by a Rochester business, which eliminates more than \$57,000 per year in rental fees and costs incurred in previous years, and restores ten shows.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-76

Ordinance No. 2009-207

June 16, 2009

(Int. No. 221)

Establishing Maximum Compensation For Professional Services
Agreements For The High Falls Laser Shows

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$80,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Greg J. Winter, d/b/a Wintek, for laser shows at High Falls and for maintenance of the laser equipment at High Falls. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives Corporation for aerial fireworks and pyrotechnic displays to accompany laser shows at High Falls. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-208
Re: Agreement - Sally Wood Winslow,
Operation of the High Falls Centers

Transmitted herewith for your approval is legislation establishing \$41,600 as maximum compensation for a one-year agreement with Sally Wood Winslow for operation of the High Falls Centers, which includes the museum, interpretive center, gallery, and gift shop. The current agreement expires July 17, 2009. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

Ms. Winslow has successfully operated the Centers part-time from 1993 through February 2004 when she assumed operations on a full-time basis.

A requirement of a New York State grant received in 1992 requires the Centers to operate for a minimum of 23 years. Operation of the gift shop includes a monthly rental fee to the City of 15% of gross sales.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-208
(Int. No. 222)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The High Falls Centers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$41,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Sally Wood Winslow for the operation of the museum, interpretive center, gallery and gift shop at the High Falls Centers for a term of one year. Said amount shall be funded from the 2009-10 Budget of the Neighborhood

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and Business Development Department. Ms. Winslow shall pay to the City a monthly fee of 15% of the gross sales from the previous month for the gift shop.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-209 and

Ordinance No. 2009-210

Re: Community Development Block

Grant - Business Programs

Transmitted herewith for your approval is legislation appropriating 2009-10 Community Development Block Grant (CDBG) funds and amending past plans to consolidate unused funds and appropriating those funds for business programs. Specifically, this legislation will:

1. Appropriate a total of \$1,279,693 from the Economic Stability allocation of the 2009-10 Community Development Program to fund Business Programs, and authorize agreements necessary to implement programs as follows:

ED Financial Assistance Loan & Grant Programs \$979,693

The program provides financial assistance to city businesses in the form of low-interest loans, interest rate subsidy grants, and matching grants for building improvements and pre-development studies. These funds cover the following economic development programs: Financial Assistance Program, Building Renovation Matching Grant Program, Targeted Business Assistance Program, Main Street Assistance Program and Pre-Development Grant Program. In addition, a City Development Fund appropriation of \$40,000 was included in the 2009-10 Consolidated Community Development Plan that was approved by City Council on May 12, 2009.

Section 108 Loan Loss Reserve \$300,000

A Section 108 Loan Loss Reserve provides funds for the City to continue the obligatory payments to HUD in the case of loan default.

2. Amend the past Community Development Program Plans by transferring unencumbered funds from the Promoting Economic Stability and Improving the Housing Stock allocations to the ED Financial Assistance Loan & Grant Program as summarized below, and appropriating their use for the various business financial assistance programs

<u>Year</u>	<u>From</u>	<u>Amount</u>
1996-97	West Main St. Revitalization	\$115,000
2000-01	*MESBIC	75,750
2005-06	MESBIC	25,000
2005-06	Neighborhood Improvements	400,000
2006-07	MESBIC	<u>150,000</u>
Total		\$765,750

*Minority Enterprise Small Business Investment Company

A public hearing on the plan amendments is required.

June 16, 2009

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-209
(Int. No. 223, As Amended)

Approving Business Programs And Authorizing An Amendatory
2009-10 Community Development Program Plan

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Economic Stability allocation of the 2009-10 Community Development Program the sum of \$[1,279,693] 1,297,394, or so much thereof as may be necessary, to fund the following programs in the following amounts:

ED Financial Assistance Loan & Grant Programs	\$[979,693] <u>997,394</u>
Financial Assistance Program	
Building Renovation Matching Grant Program	
Targeted Business Assistance Program	
Main Street Assistance Program	
Pre-Development Grant Program	
Section 108 Loan Loss Reserve	300,000

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The Council hereby approves an amendment to the 2009-10 Community Development Program Plan to increase the total allocation to \$9,654,741. The additional sum of \$17,701 is added to the ED Financial Assistance Loan & Grant Programs Account in the Promoting Economic Stability Allocation, and is appropriated herein.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-210
(Int. No. 224)

Authorizing Amendatory 1996-97, 2000-01, 2005-06 And 2006-07
Community Development Program Plans And Authorizing
Agreements For The ED Financial Assistance Loan & Grant
Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the Community Development Program Plans whereby, within the Economic Stability allocations, the sum of \$115,000 is transferred from the West Main Street Revitalization Program Account in 1996-97, the sum of \$75,750 is transferred from the MESBIC Program Account in 2000-01, the sum of \$25,000 is transferred from the MESBIC Program Account in 2005-06 and the sum of \$150,000 is transferred from the MESBIC Program Account in 2006-07,

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and the sum of \$400,000 is transferred from the Neighborhood Improvements Program Account within the Improving the Housing Stock and General Property Conditions allocation in 2005-06, to new or existing accounts for the ED Financial Assistance Loan & Grant Program Accounts.

Section 2. There is hereby appropriated from the Economic Stability allocation of the 1996-97 Community Development Program the sum of \$115,000, from the Economic Stability allocation of the 2000-01 Community Development Program the sum of \$75,750, from the Economic Stability allocation of the 2005-06 Community Development Program the sum of \$25,000, from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program the sum of \$400,000, and from the Economic Stability allocation of the 2006-07 Community Development Program the sum of \$150,000, or so much thereof as may be necessary, to fund the ED Financial Assistance Loan & Grant Programs.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the ED Financial Assistance Loan & Grant Programs.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
June 16, 2009

To the Council:

The Public Safety & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 225 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Police MDT Fleet Standardization

Int. No. 228 - Authorizing An Agreement For A Disproportionate Minority Contact Discretionary Program Grant And Amending The 2008-09 Budget

Int. No. 229 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For Radar Speed Signs

Int. No. 230 - Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Cemetery Crematory Family Room Project

Int. No. 231 - Establishing Maximum Compensation For A Professional Services Agreement For The "Bands On The Bricks" Concerts

Int. No. 232 - Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

Int. No. 233 - Authorizing Agreements Relating To The Rochester After School Academy 4 Program

Int. No. 244 - Authorizing An Agreement For A Metropolitan Medical Response System Program Grant

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Int. No. 245 - Authorizing Agreements Relating To The 2009 Summer Of Opportunity Program, As Amended

Int. No. 226 - Establishing Maximum Compensation For Professional Services Agreements For Psychological Evaluation Services For The Rochester Police Department

Int. No. 227 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Rochester Fire Department

Respectfully submitted,
Adam C. McFadden (*Abstains on Int. No. 245*)
Dana K. Miller
Elaine M. Spaul (*Abstained on Int. No. 233*)
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-211
Re: Amendatory Agreement - Brite
Computers, Police Mobile Equipment
Standardization

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Brite Computers, Rochester, to provide additional services related to the Police Department's Mobile Data Terminals. The original agreement, authorized in June 2008, established maximum compensation at \$75,000. This agreement will increase this amount by \$75,000 for a total of \$150,000. The additional amount will be funded from the 2007-08 Cash Capital allocation of the Information Technology Department.

Each police patrol car is equipped with a Mobile Data Terminal (MDT), which includes a computer, scanner, printer, and two data network connections. Brite Computers has been working to bring the RPD system into compliance with the County MDT standard. The additional funds will enable Brite Computers to provide the following services:

- Continue to assist in the deployment of the automatic vehicle locator technology (AVL) for RPD marked vehicles and provide day-to-day trouble shooting during implementation. To date, approximately 100 RPD vehicles have been equipped with AVL capability;
- Upgrade the TraCS system, which is used to facilitate electronic citations for motor vehicle accidents. As part of this project, equipment will be replaced in approximately 280 marked RPD vehicles;
- Provide support for installing necessary computer equipment in fifty new RPD vehicles.

Brite Computers was selected to provide this service based on price, expertise, experience, and success in providing these services within RPD's MDT equipment and operational environment over the last two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-211
(Int. No. 225)

June 16, 2009

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The Police MDT Fleet
Standardization

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Brite Computers for standardization of the Rochester Police Department's Mobile Data Terminal (MDT) fleet operational environment. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-212
Re: Agreement - St. Joseph's Villa,
Disproportionate Minority Contact
Program

Transmitted herewith for your approval is legislation authorizing an agreement with St. Joseph's Villa of Rochester for the receipt and use of a \$5,000 grant, and amending the 2008-09 Budget of the Police Department to reflect the award.

The grant will be used to reimburse RPD costs incurred for administration of the Disproportionate Minority Contact (DMC) program. The grant term is from May 1, 2009 to April 30, 2010. This is the final round of funding for the project.

St. Joseph's Villa operates an early intervention program for juveniles which offers an alternative to prosecution and provides an extensive assessment and support system for both the juveniles and their families.

St. Joseph's Villa reimburses the Police Department for administrative expenses incurred in identifying and referring juveniles who qualify for the program. A Police paralegal reviews juvenile arrest packages and will contact St. Joseph's Villa within 24 hours for referral of a qualified juvenile to DMC. St. Joseph's Villa then reimburses the cost of overtime incurred to prepare and review the paperwork.

No City funds are required for the operation of this program. The previous award and agreement were authorized by City Council Ord. No. 2006-263 in November 2006, and subsequently extended in May 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-212
(Int. No. 228)

Authorizing An Agreement For A Disproportionate Minority
Contact Discretionary Program Grant And Amending The 2008-09
Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

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Section 1. The Mayor is hereby authorized to enter into an agreement with St. Joseph's Villa for funding for the Rochester Police Department to support the Disproportionate Minority Contact Discretionary Program.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$5,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-213
Re: Agreement - New York State Byrne
Grant, Radar Speed Signs

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a \$45,000 grant from the State's direct allocation of Edward Byrne Memorial Justice Assistance Grant program, and amending the 2008-09 Cash Capital allocation by \$45,000 to reflect the award.

Grant funds will be used to purchase and install approximately ten radar speed signs. These signs will be placed in high traffic areas that are major points of entry and egress for the City to alert motorists to safer driving. Placement will be based on an analysis of accident statistics. Similar projects in other communities have reduced incidents involving injury and death.

The funding has been made available through the efforts of Assemblywoman Susan John. This is a new grant and no local match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-213
(Int. No. 229)

Authorizing A Grant Agreement And Amending The 2008-09 Budget
For Radar Speed Signs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for an Edward Byrne Memorial Justice Assistance Program Grant to the Rochester Police Department for the purchase and installation of radar speed signs.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

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Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$45,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the radar speed signs.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-214

Re: Agreement - MRA Architecture,
Mt. Hope Cemetery Crematory
Family Room

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with MRA Architecture P.C., 590 South Avenue, Rochester, for architectural and engineering services for the Mt. Hope Cemetery Crematory Family Room Project. The cost of the agreement will be financed from 2008-09 Cash Capital.

The project includes the design and construction of improvements to the existing Mt. Hope office and crematory building. Improvements include: a viewing area to be used by bereaved relatives and friends of deceased clients; installation of the retorts purchased in November 2008; and space to support the sales and support services needs of cemetery staff. The projected project cost, including design services, is \$550,000.

MRA Architecture, hired in February 2009 under an existing Term Agreement with the Division of Architectural Services, has completed a feasibility study, including a report of condition survey, site evaluation, code evaluation, and preliminary design plans. Based on their recommendations and involvement with the project, they are recommended jointly by the Division of Architectural Services and the Department of Recreation and Youth Services to continue with the project.

The consultant will be responsible for finalizing program development, schematic design, design development, contract document, bidding phase, and construction administration phase services.

Design phase services will begin in Summer 2009; it is anticipated that construction will begin in Winter 2009, with completion in Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-214
(Int. No. 230)

Establishing Maximum Compensation For A Professional Services
Agreement For The Mt. Hope Cemetery Crematory Family Room
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and MRA Architecture P.C. for architectural and engineering services for the Mt. Hope Cemetery Crematory Family Room Project. The agreement may extend until three (3) months after completion of a two-year guarantee

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inspection of the project for which the services are provided. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-215
Re: Agreement - Eskay Concerts
(d/b/a Up All Night), Bands on
The Bricks

Transmitted herewith for your approval is legislation establishing \$16,550 as maximum compensation for an agreement with Eskay Concerts (d/b/a Up All Night; principal Gerard Fisher), for the “Bands on the Bricks” summer concert series at the Rochester Public Market. The cost of the agreement will be funded from the 2008-09 (\$6,500) and 2009-10 (\$10,050) Budgets of the Department of Recreation and Youth Services.

Eskay Concerts will provide talent and production services for four concerts to be held during the summer at the Market. The series is part of the overall strategy to increase off-market day usage of the site and to attract new visitors to the venue. Last year over 15,000 people attended the concerts.

Eskay has provided the production talent and sound services for this series for the past nine years and was instrumental in starting the series. The terms of the agreement include that Eskay will provide the City with 25% of the first \$10,000 net revenue, then 50% of additional revenue from food and beverage sales. The profit/loss for the past four years are as follows: 2005 (\$1,541.91); 2006 (\$3,062.75); 2007 (\$816.42) and 2008 (\$1,723).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-215
(Int. No. 231)

Establishing Maximum Compensation For A Professional Services
Agreement For The “Bands On The Bricks” Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$16,550, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Eskay Concerts (d/b/a Up All Night) for talent booking and production services for the “Bands on the Bricks” concert series at the Rochester Public Market. Of said amount, \$6,500 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services and \$10,050 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. The agreement shall also provide Eskay Concerts (d/b/a Up All Night) exclusive rights to vend food and beverages to the public at the “Bands on the Bricks” concert series, in exchange for 25% of the first \$10,000 in net revenue from the food and beverage sales, and 50% of the net revenue above \$10,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2009-216
Re: Agreement - Puerto Rican Festival

Transmitted herewith for your approval is legislation establishing \$45,000 as maximum compensation for an agreement with The Puerto Rican Festival, Inc. for the 2009 Puerto Rican Festival to be held on July 24, 25, and 26, at the Frontier Field VIP Parking Lot. The cost of this agreement will be financed from the 2008-09 Budget of the Bureau of Communications.

The Puerto Rican Festival, Inc. was formulated in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State, which now makes Monroe County and the City of Rochester home to the second largest population of Hispanics in the state.

The Puerto Rican Festival, Inc. sponsors a variety of events which serve to share and celebrate Puerto Rican culture. The largest event is the Puerto Rican Festival (39 annual editions to date have been organized), the longest running cultural festival in Monroe County. The annual three-day event averages a daily attendance of 7,000 people of all cultures and ethnic backgrounds.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-216
(Int. No. 232)

Establishing Maximum Compensation For An Agreement For The
Puerto Rican Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Puerto Rican Festival, Inc. for the 2009 Puerto Rican Festival. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-217
Re: Agreement - New York State
Department of Education,
Rochester After School Academy

Transmitted herewith for your approval is legislation related to the Rochester After School Academy program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of \$847,771 in funding through the New York 21st Century Community Learning Centers

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Program for the Rochester After School Academy, Round 4 (RASA-4). This amount includes up to \$21,483 in Indirect Costs.

2. Establish maximum compensation for agreements to be funded from the RASA Trust Fund as follows:

<u>Contractor</u>	<u>School Partner</u>	<u>Amount</u>
Puerto Rican Youth Development	Edison/School of Engineering & Mfg	\$140,770
Community Place of Greater Rochester	Dr. Freddie Thomas Learning Center	150,240
The Center for Youth Services	East High School	153,200
Children's Institute	RASA 4 Evaluator	60,674
Coordinated Care Services, Inc.	Professional Development, Parent University, APR Evaluation	<u>139,368</u>
	Total	<u>\$644,252</u>

3. Appropriate \$203,519 of these funds to be included in the proposed 2009-10 operating budget of the Department of Recreation and Youth Services. Of this amount, \$58,009 will be used for the RASA-4 site at Jefferson High School with DRYs acting as the Lead Agency, with the remaining \$124,027 covering administration and management.

RASA-4 is a comprehensive and strategic approach to after school programming, designed to enhance and extend learning opportunities beyond the traditional school day. Each site will serve a minimum of sixty youth and their families. This is the second year of a five-year grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-77

Ordinance No. 2009-217
(Int. No. 233)

Authorizing Agreements Relating To The Rochester After School
Academy 4 Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy-Round 4 (RASA-4) Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the RASA-4 Program:

<u>Agency</u>	<u>School/Agency Partner</u>	<u>Amount</u>
Puerto Rican Youth Development	Edison/School of Eng. & Mfg.	\$140,770
Community Place of Greater Rochester	Dr. Freddie Thomas Learning Ctr.	150,240
The Center for Youth Services	East High School	153,200
Children's Institute	RASA-4 Evaluator	60,674
Coordinated Care Services, Inc.	Professional Development, Parent University, APR Evaluation	139,368

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Section 3. The agreements shall obligate the City to pay an amount not to exceed \$644,252, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York 21st Century Community Learning Centers Program Funds. A Department of Recreation and Youth Services Program at Jefferson High School and administrative costs in a total amount of \$203,519 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 8.

Nays - None - 0.

Councilmember Spaull abstained her vote because she is an employee of the Center for Youth.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-218

Re: Metropolitan Medical Response
System Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Homeland Security for the receipt and use of \$321,221 Metropolitan Response System Program (MMRS) grant funds. Receipt of this grant was anticipated and funds have been included in the proposed 2009-10 Budget of the Fire Department.

Rochester is one of 124 cities nationwide designated by the Federal government as an MMRS jurisdiction. Since 2000, the Rochester Fire Department has led this regional program, whose purpose is to support local jurisdictions in the development and enhancement of emergency preparedness systems. The local project includes:

- Establishment and maintenance of a pharmaceutical stockpile and/or distribution network;
- Ensuring the ability to track and monitor threats from chemical or biological agents;
- Increasing interoperable communications during an emergency event;
- Maintain the Community Emergency Response Team (CERT) program to train civilians on emergency preparedness for response to all hazards events

These efforts will continue to allow the City to improve and augment existing emergency preparedness plans and capabilities. Proactive efforts toward community preparedness are essential steps to effectively respond to and minimize the effects of any incident on responders and the community.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-218

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(Int. No. 244)

Authorizing An Agreement For A Metropolitan Medical Response
System Program Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security for funding for the Rochester Fire Department under the Metropolitan Medical Response System Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-219
Re: Summer of Opportunity Program

Transmitted herewith for your approval is legislation authorizing agreements and appropriating funds for the 2009 Summer of Opportunity Program (SOOP). This legislation will:

1. Authorize an agreement with RochesterWorks for the receipt and use of up to \$75,000 in funding for the program, and allocate these funds to the SOOP Trust Fund;
2. Appropriate a total of \$122,554 from the 2008-09 (\$50,039) and 2009-10 (\$72,515) Job Creation/Youth Development allocation of the Community Development Block Grants to partially finance the program; and
3. Authorize agreements as needed for implementation of the program.

A total of \$523,725 will be used to support several components of the 2009 SOOP that will serve 345 youth. Additional programming in coordination with Hillside Work Scholarship Connection has been proposed in separate legislation. The sources of funds are summarized below:

<u>Source</u>	<u>Amount</u>
DRYS Budget 2008-09	\$ 30,271
DRYS Budget 2009-10	295,900
CDBG 2008-09	50,039
CDBG 2009-10	72,515
RochesterWorks Grant (ARRA)	<u>75,000</u>
Total	\$523,725

The Summer of Opportunity Program (SOOP) provides summer work experience or vocational exploration opportunities to high school students between the ages of 14-20 who live in the city. Priority is given to students whose school attendance rate is at least 90% and who have had no long-term suspensions during the current school year.

SOOP Programs Selected through RFP

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RochesterWorks is continuing this year in a collaborative recruitment process. A request for proposals for employment programs for City youth was issued jointly to community-based and not-for-profit organizations. The RFP stipulated that programs for 14 and 15 year olds should provide significant opportunities for work readiness, community service, and academic enrichment activities during the summer. For youth ages 16 and older, programs should provide work experience as a major activity, along with civic engagement, and academic enhancement if needed during the summer.

Forty-two proposals were received, and reviewed for description of services, past performance, and the amount of funding available. Ten proposals were selected for City funding. RochesterWorks will directly fund 26 programs, serving a total of 850 students; approximately 85% of these are city residents. The programs selected by the City will serve 220 students for a total cost of \$299,710, and are summarized below:

City Funded SOOP Programs Selected through RFP Process: 2009

<u>Program</u>	<u># Youth</u>	<u>Total cost</u>	<u>Ind. cost</u>	<u>Description</u>
Academy for Career Dev't Ability Tech-Teens	5	\$8,140	\$1,628	Computer technology for youth with disabilities
Baden Street Settlement - Summer Youth Literacy Program	15	28,900	\$1,927	Journalism & publishing, including an online publication
Charles Settlement House Teens Achieving Career Exploration	20	27,500	\$1,375	Career exploration in media arts, social marketing and community organization
The Community Place of Greater Rochester, Inc. - Step Up to Leadership	40	51,100	\$1,278	Career exploration and pre-apprenticeship in the "green industry"
Ibero Arts Program	25	34,970	\$1396	Career exploration in visual arts for the urban community
Iglesia Educational Centers	40	46,800	\$1,170	Career exploration in science, math & engineering; community service
Iglesia Pre-Engineering Academy				
In-Control Collaboration with Baden Street	20	23,800	\$1,190	Video Production -write and produce a teleplay about a youth health issue
Metro Council for Teen Potential - WearArt Project	20	27,000	\$1,350	Create & market a line of clothing using silk-screening and CAD techniques
VOA Children's Center Summer Youth Employment Program	15	15,000	\$1,000	Work in childcare center & career exploration
Rochester Surround Care	20	<u>36,500</u>	\$1,825	Asset & geographic data mapping, environmental photography
Total	220	\$299,710		

Additional 2009 SOOP Programs

Community Conservation Corps (CCC) will employ 30 youth, and *Teens on Patrol (TOP)* will employ 20 youth at minimum wage (\$7.15/hr., which increases to \$7.25 on July 24) to work in City recreation centers and/or with police-sponsored programs. The youth will be ages 16 and older, and will work for 35 hours per week for seven to eight weeks, depending on the work site.

Summer of Opportunity Plus (SOOP+) will provide jobs for 20 youth ages 16 and older. Students will work in internships in various positions in the private and non-profit sectors, as well as in selected City offices.

The *Jr. Recreation Leadership* program will engage 15 youth as recreation interns, each for 20 hours a week for 8 weeks.

An agreement with the Rochester City School District will provide for payroll processing and check distribution for the 85 youth participating in the four programs listed above (CCC, TOP, Jr. Recreation

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Leadership, and SOOP+) at a cost of \$154,607 to cover wages and fringe benefits. RCSD is providing this service at no additional cost to the City.

Monroe Community College Youth Sports Camp (MCC-SC) will employ 10 Camp Counselor Assistants through an agreement with the City at a cost of \$9,408.

Teen Empowerment will provide coordination and oversight of the Mayor's Youth Advisory Council (MYAC), a year round program, which provides 20 youth with advocacy and job readiness skills training, for a total cost of \$60,000. Participants will receive a comprehensive overview of City government, advise the Mayor on youth issues, and coordinate the annual City Hall Youth Forum.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-219
(Int. No. 245, As Amended)

Authorizing Agreements Relating To The 2009 Summer Of
Opportunity Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, or the following amounts are allocated, for the operation of projects and/or administration of projects for the 2009 Summer of Opportunity Program:

Organization	Total
Academy For Career Development - AbilityTech	\$ 8,140
Baden Street Settlement	28,900
Charles Settlement House	27,500
The Community Place of Greater Rochester, Inc.	51,100
IBERO Arts Program	34,970
Iglesia Educational Centers	46,800
In-Control Collaboration with Baden Street	23,800
Metro Council for Teen Potential	27,000
Volunteers of America	15,000
[Rochester Surround Care] <u>Rochester Children's Renaissance, Inc.</u>	36,500
Rochester City School District - Administrative Services	154,607
MCC--National Youth Sports	9,408
Teen Empowerment	60,000

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$523,725, and of said amount, or so much thereof as may be necessary, \$30,271 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services, \$295,900 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services, \$50,039 is hereby appropriated from the Job Creation/Youth Development allocation of the 2008-09 Community Development Program, \$72,515 is hereby appropriated from the Job Creation/Youth Development allocation of the 2009-10 Community Development Program and \$75,000 is hereby appropriated from the funds to be received under the agreement with RochesterWorks authorized herein.

Section 3. The Mayor is hereby further authorized to enter into an agreement with RochesterWorks to receive funding for the 2009 Summer of Opportunity Program.

Section 4. The Mayor is hereby further authorized to enter into such other agreements as may be necessary for the 2009 Summer of Opportunity Program.

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Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Councilmember McFadden abstained his vote because he is the Board President of Rochester Children's Renaissance.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-220 and
Ordinance No. 2009-221

Re: Agreements - Law Enforcement
Psychological Associates, Mental
Health Screening

Transmitted for your approval is legislation establishing maximum compensation for agreements with Law Enforcement Psychological Associates (Dr. Jay Supnick, principal), of Rochester, to provide pre-employment psychological evaluations for the Police and Fire Departments.

A request for proposals for these services was issued in February 2009 to seven local vendors, including Law Enforcement Psychological Associates (LEPA), Rochester Psychological Associates, Dr. Thomas Letourneau, Dr. R.P. Singh, Strong Occupational Medicine, Unity Mental Health Services, and Rochester Mental Health Services. LEPA was the only firm to submit a proposal.

The LEPA proposal meets the service needs outlined in the RFP. LEPA has provided psychological screening evaluations of candidates for both the Police and Fire Departments since 2004, and is well-qualified to assist with candidate selection.

Over the last two years, the Police Department has processed approximately 350 to 400 candidates for two police classes each year. The Consultant has worked closely with RPD administrators and the Background and Recruitment unit to ensure a thorough understanding of the needs of the Department and to facilitate a smooth selection process. The consultant has subjected its data to studies of the adverse impact of psychological evaluation, notably through the International Association of Chiefs of Police (IACP), and has actively sought to select test instruments that do not show adverse impact.

Police - Pre-Employment Screening

Maximum compensation for the first year of this two-year agreement (with the option of three one-year renewals) will be established at \$60,000 and will be funded from the 2009-10 Budget of the Police Department, contingent upon City Council approval. This amount will cover the costs for candidate evaluation of one recruit class. Subsequent compensation will depend on the size of recruit classes and available funding.

The proposed cost will be \$350 per candidate assessment plus administrative costs that are associated with the process. (The 2004 cost was \$304 per candidate.)

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Services related to pre-employment mental health screening for police recruit candidates will include: administration, scoring, and evaluation of psychological tests; psychological and psychiatric interviews with candidates; in-depth interviewing where indicated; preparation of written reports on each candidate; meetings with representatives of Bureau of Human Resource Management and the Police Department; and testimony before the Civil Service Commission if needed.

Police - Fitness for Duty Evaluation

Maximum compensation for this agreement will be established at \$7,000 and will be funded from the 2009-10 Budget of the Police Department, contingent upon approval by City Council. Services will include the evaluation of sworn employees' fitness to perform their duties, in situations in which observed behavior raises concerns as to the emotional health of an officer. The consultant evaluates and makes recommendations regarding referral for treatment and placement on sick leave if appropriate.

Fire - Pre-Employment Screening

Maximum compensation for the first year of this two-year agreement (with the option of three one-year renewals) will be established at \$17,500 for pre-employment mental health screening of firefighter candidates. This amount will be funded from the 2009-10 Budget of the Fire Department, contingent upon approval by City Council.

Firefighter candidates undergo a vetting process that includes a medical exam, physical ability test, background investigation, and a psychological screening, which provides an assessment of a candidate's ability to succeed in a career in firefighting. LEPA will administer written tests which address factors predictive of firefighting job success. These tests evaluate emotional stability, personality, personality disorders, and general intelligence.

LEPA integrates the results of written examinations with an interview conducted by a psychologist to develop a composite picture of each candidate's ability to adjust to the demands of firefighting. A psychological report with a statement of strengths and weaknesses, and a suitability rating will be prepared for each candidate.

The Fire Department hires an average of 15 firefighters a year. The hiring process may include a pool of as many as 50 candidates. The average cost per candidate for the written test, interview, and final psychological report is \$350 per candidate. Additional services, such as appearances at Civil Service Commission meetings and subpoenas for court testimony, will be paid for, as needed, at fixed cost rates.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-220
(Int. No. 226)

Establishing Maximum Compensation For Professional Services
Agreements For Psychological Evaluation Services For The
Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and Law Enforcement Psychological Associates for pre-employment psychological evaluations for the Rochester Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department. The agreement shall extend for a term of two years and may contain three one-year renewal options. The maximum amounts for the additional years shall not exceed the amounts set forth in the annual budgets of the Rochester Police Department for such purpose.

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Section 2. The sum of \$7,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Law Enforcement Psychological Associates for psychological fitness for duty evaluations for the Rochester Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-221
(Int. No. 227)

Establishing Maximum Compensation For A Professional Services
Agreement For Psychological Evaluation Services For The
Rochester Fire Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$17,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and Law Enforcement Psychological Associates for pre-employment psychological evaluations for the Rochester Fire Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Fire Department. The agreement shall extend for a term of two years and may contain three one-year renewal options. The maximum amounts for the additional years shall not exceed the amounts set forth in the annual budgets of the Rochester Fire Department for such purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:11 P.M.

DANIEL B. KARIN
City Clerk